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EMBRACING THE PROMINENT EVENTS OF THEIR LIVES, AND THEIR CONNECTION WITH THE POLITICAL HISTORY OF THE TIMES.

BY HENRY G. WHEELER.

Illustrated by numerous Steel Portraits and Fac-simile Autographs.

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HALL OF THE HOUSE OF REPRESENTATIVES,
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PREFACE.

THE wide and almost untrodden field of labor upon which we have entered, if not destitute of those allurements that sometimes tempt the mind to trials beyond its strength, has been surveyed by us in no spirit of exaggerated confidence in our own powers, but with a distrust of them so constant and oppressive as almost to have diverted us from our object. The hope, faintly cherished, that we *might* accomplish our design —the conviction that the pursuits of many years had left resources and materials at our command not generally attainable —the mute, but fervent aspiration of our heart that it might be given to us to rear a column which the country would not disown, and on whose base, peradventure, in some lowly spot, our own humble name might be inscribed—these motives have guided and sustained us through embarrassments and difficulties to whose accumulated pressure we should otherwise have yielded.

We believe we are the first who, by a comprehensive union of biographical memoir with public history, have attempted to bring home to the familiar contemplation of the people of the United States the practical operation of the institutions under which they live; to demonstrate to them, by the examples we set before their eyes, how much more potent an instrument in the civilization of nations is the schoolmaster than the warrior —the plowshare than the sword!

In the attainment of this end, our business has been less with *men* than with *facts*. We have violated no confidences; we have followed no man to the sanctuary of his own habitation.

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We have taken him, where we found him, in the full glare of the public eye, on the field of his public duties and his political fortunes. Studiously rejecting those hyperbolical tributes of praise which are as offensive to good taste as they are often unmerited and insincere, we have believed that, in many instances, the highest eulogy, like the severest censure, was to be found in the simple statement of a *fact*.

Our present labors have been confined, with one important exception, to that House with whose business we have been so long connected; "on whose mane we have laid our hand" in all the phases of storm and sunshine, and for which we have garnered up, not without cause, feelings of respect and affection that must cling to us while we may be numbered among the living.

Our future volumes will give to the Senate a more ample representation than our arrangements for *this* have enabled us to offer.

THE AUTHOR.

NEW YORK, May 1st, 1848.

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HISTORY OF CONGRESS.



M. E. Thomas

HISTORY OF CONGRESS.

HOLMES, ISAAC EDWARD.

THE State of South Carolina, which comprises seven Congressional Districts, has given to the nation no more honorable representative than the gentleman with whose name these biographical pages open. Nor do we regret that the indefinite and somewhat arbitrary arrangement of our matter, which, in a work of this character, we must necessarily adopt, should render it our duty thus early to introduce him to the more intimate acquaintance of Congress and the country. This we are inclined to do in a liberal spirit, because, while his political position has at times been both delicate and peculiar, he has measurably been deprived of the advantages resulting from a fair representation of his course through the ordinary channels of public communication. Very few of his speeches have been placed on record. The peculiarity of his manner, the inflections of his voice, and the habit he has acquired of turning and addressing himself to different quarters of the House, render it very difficult to note accurately any thing he may say. Add to these obstacles the inherent defect in the building itself, and to report him has been found, in many instances, an almost impossible achievement.

We can not, perhaps, avail ourselves of a more appropriate occasion to say a few words in relation to the Hall. It is built as if to illustrate the successful ingenuity of an architect, who had staked his reputation on the erection of a building wherein the sound of the human voice might be lost in its own ascend-

ing echoes. The loudest voices, not caught precisely in the proper angle, are frequently the least heard. A rumbling noise, as of distant thunder, may, it is true, grate upon the ear, but its living accompaniment is lost. It splits the *tympanum*, but it penetrates not the understanding. Members in close proximity are often at a loss to know what is said, and receive the first intimation of some serious or important matter in the papers of the next morning. For example: when General Harrison had been elected President of the United States, it had become the habit of some of his political opponents to attempt to weaken the force of any claim he might have upon the people of the country by reason of his military services. If there is one great national sin which may justly be laid to our charge, it is the reckless, wanton, and unscrupulous virulence with which we assail *private* character for *party* objects. It is a crying reproach upon us, which honorable men of all parties should unite to wipe away. The corrupt and heartless maxim that "all is fair in politics," finds with us, in this respect, its completest exemplification; forcing us, with Lady Morgan, to regard them as "a fearful rock which makes shipwreck of man's better sympathies." Herein we present a striking contrast to other nations. With them, the penalty which every public man pays as the price of his distinction—that is, the subjection, in his public character, to severe criticism and scrutiny—is rigidly exacted. But there, for the most part, the censorship terminates. Private character is sacred. The blood which has flowed in the cause of the country; the public virtue which has exalted its character; the genius which has shed luster upon its history—these things, at least, are exempt from the sacrilegious profanation of *party*. They are the common property of the nation; the evidences of its grandeur—the pillars of its strength. To assail them is to do violence to the nation itself, whose inestimable heritage they are. It should be so with us; we know that it is not. In the fierce contests of party, every thing that forms the slightest impediment to its success becomes a shining mark for its envenomed shafts, until even the ashes of the dead are not always objects of respect. Members of the National Legislature, be it yours, by your example here, to take away this "perpetual shame" from our land!

But to return. The House was in Committee of the Whole on the State of the Union, and the floor was held by a member of the Democratic party. He stood on the right of the chair, about midway down the aisle. His speech was of a general political character. Among other things, he disputed the military merits of General Harrison, and was understood, by many members, to refer disparagingly to his reputation, in respect to that point on which, of all others, a soldier is sensitive. A member of the opposite party, whose seat was in the aisle directly in front of the chair, rose to a point of order. He distinctly stated it to be, whether it was in order for a member, who had himself recently been branded as a coward on the floor of the House, to charge General Harrison with cowardice. The point was not pressed to a formal decision, and the member who had made it quietly took his seat. The Democratic member had a general, indistinct knowledge, as it seemed, that a point of order of some kind had been made; but, the chairman not having interposed, proceeded with his remarks as if no interruption had taken place. The incident was given in one of the newspapers precisely as it had occurred—a record of the facts, nothing more. Before the House met, on a subsequent day, the entire statement was denied. No such proceeding, it was asserted, had ever taken place. When the Journal had been read, the Democratic member called the attention of the House to the report, and the Whig member rose in his place and vouched for its perfect fidelity, thus leaving the responsibility in the right quarter. This is but one of hundreds of instances which would themselves make a volume. We will cite but one more:

When the question was about to be taken on one of the most intensely-exciting issues ever presented to the decision of the House, a member from Georgia made a point of order, not of an ordinary character, upon which he held some colloquy with the speaker. The whole matter was closely reported. On the following morning, a member from Alabama called upon the reporter, and desired him to correct the error he had made in assigning the point of order and the part in the conversation with the speaker to the member from Georgia, instead of to him, the member from Alabama. This was not the first time that the reporter, from similar causes, had been led to entertain

doubts of his own existence. He had, while taking the notes, kept his attention steadily fixed on the member from Georgia, who was addressing the chair in a voice always audible, never having seen or heard of the member from Alabama throughout the whole affair. Accordingly, he declined to make the correction, but proposed to bring the two members together, and let them settle the paternity in the best way they could. An interview took place in the lobby. The reporter simply stated the nature of the difficulty, and requested the two members to adjust it. Each declared to the other that *he* had made precisely such a point of order, at precisely such a stage of the proceedings, and had held precisely such a colloquy with the speaker. The member from Georgia declared the reporter was right as to the name, the member from Alabama insisting that he was right as to every thing *but* the name. Each appeared to be smitten with the singular absurdity of the other's claims, and each cast a curious gaze into the other's eyes, as if to ascertain, beyond a doubt, the fact of their individual sanity. They separated in mutual astonishment. No light was ever thrown upon the darkness. The record stands now as it stood then. We have ever indulged a reverential hope, that when the pent-up mysteries of a thousand years shall be revealed, the thick cloud which envelops this transaction may likewise be cleared away.

No man has borne with more imperturbable philosophy than Mr. Holmes the misrepresentations and wrongs resulting from the difficulty to which we have adverted. We shall be excused for giving an instance of his general temper in this respect. A veteran reporter, Arthur J. Stansbury, whose well-earned fame is co-extensive with the Union, attended, professionally, the New-England Anniversary dinner in Washington. Mr. Holmes was present, and, in the course of the evening, was called up in reply to a toast. The reporter was sorely embarrassed. Catching only a few uncertain words here and there, he managed to put Mr. Holmes bodily into the midst of the Revolution, although at its close that gentleman was yet among the generations unborn; and, by way of explanation of the imperfect sketch of the whole speech, he stated the usual extenuating circumstance, that he could not *hear*. We spoke with Mr. Holmes, and were amused at the stoical pleasantry

he displayed. He said, "It is ludicrous enough; but what could you expect? The reporter was both drunk and deaf; *of course*, he could not be in a condition to report." Knowing the strictness of the reporter's temperance principles, and the quick sensibility of his ear, we expressed astonishment at the remark, and inquired what it could mean. "Why," said Mr. Holmes, "I saw him with a number of Champagne bottles about him, *so I take it for granted he was drunk*, and that he is deaf we have his own evidence, for he says in his report that *he could not hear*." We asked no further explanations.

Let us now fall back on the regular course of our narrative. Isaac E. Holmes was born in Charleston, South Carolina, on the 6th of April, 1796. His parents were of English origin. His paternal grandfather removed from Boston to South Carolina, and was one of the king's council in Charleston. He died before the Revolution, leaving three sons, all of whom bore arms for their country in the war of '76. Mr. Holmes's father was wounded at the battle of Savannah, and was an officer until the end of the war. His maternal grandfather, John Edwards, was an Englishman by birth, and emigrated when young to South Carolina. He engaged in trade, and amassed wealth in Charleston. He was an early asserter of colonial rights, hesitated not to peril his fortune, and was one of the Committee of Safety when the battle of Fort Moultrie was fought. When Charleston fell, he was offered protection by the British commander; which having refused, he was sent, with General Gadsden and other patriots, to the dungeons of St. Augustine. He never more returned to his wife and children, but had the satisfaction of knowing, before he died, that the independence of his country was established, although no treaty of peace had been negotiated, and that his sons were all soldiers in the cause for which he perished.

Isaac E. was educated at the best schools of Charleston. At the age of twelve, he was transferred to the private tuition of the Reverend Christopher Gadsden, then rector of the parish of St. John Berkley, and now episcopal bishop of the diocese of South Carolina—a relative, under whose instruction he made more rapid progress in his studies during the three succeeding years than he had made in all the previous years of his scholarship. At the age of fifteen he entered Yale College,

where he remained four years, and where, in the year 1815, he graduated with the honors of the university. In the summer of 1814 he received the promise of a commission in the army, which he was to join in the next campaign, when Mr. Monroe, then Secretary of War, had projected a descent upon Canada with one hundred thousand troops. The peace came, however, and his anticipated laurels never bloomed. He then returned to his native city, after an absence of four years.

He devoted himself at once to the study of the law, and was admitted to the bar in 1818, having about that time been married to a cousin, Mary Holmes. His attention was assiduously given to his profession, relieved, however, by an occasional essay in the journals of the day. When Irving's Sketch Book made its appearance, he published, anonymously, an imitation of it, under the title of "Recreations of George Taletell." This book was much commended, and the author inquired for. A friend, to whom the secret of the authorship had been intrusted, revealed it in an unguarded moment, and thus defeated a design which Mr. Holmes had formed of publishing a series of Carolina tales, or descriptions of country life in the South; for, at that time, a notion prevailed, that if a man turned author he must cease to be a lawyer.

We can not take leave of these early sketches without transferring to our pages the following instance of negro fidelity, as given in

"THE STORY OF TOM.

"At the surrender of Charleston, many of the ladies retired into the country, to avoid the insolence of the British troops, and enjoy the satisfaction of sometimes seeing their husbands, who then waged a partisan war under General Marion. But as either Tories or English soldiers were stationed over that portion of country to which they had retired, it was not without imminent peril the officers ever ventured from the American camp to pay a visit to their families. On one of these occasions, however, my uncle, who the night before had reached his plantation in safety, was sitting at table with his wife and children, when a party of British dragoons were discovered riding briskly toward the house. To have remained would have been death; yet the only mode of escape was through the back

door into the garden, and thence into the deep shades of the swamp. This was effected; but the enemy, having learned the circumstance, resolved on discovering the place of his retreat, which Tom [who was the body-servant of Mr. Holmes's uncle] was supposed to be acquainted with, and was so in reality. But no offer could induce the faithful fellow to violate his trust —no threats could terrify him into a discovery; when, at last, a sergeant, exasperated at what he termed the fellow's obstinacy, drew out a pistol and shot him down. Fortunately, the wound was not mortal, and Tom yet lives, the greatest hero, except his master, in the estimation of all the negroes."

Mr. Holmes was successful at the bar. In 1823, an insurrectionary movement among the negroes excited in Charleston, for the first time, a suspicion, amounting, in many minds, to conviction, that there was a party in the North tampering with Southern institutions. Mr. Holmes associated himself with a number of gentlemen, mostly Southern planters, and formed a society, under the title of the "South Carolina Association." It embraced the names of some of the most wealthy and distinguished citizens. The object was to watch the movements of this party in the North, and to prevent, if possible, the access to the slave population of emissaries or peddlers of pamphlets. The association procured from the Legislature a law prohibiting the entrance of free persons of color into the State, and the right to imprison all colored seamen who might be brought into its waters. The third section of this law was in the following words:

"*And be it further enacted by the authority aforesaid*, That if any vessel shall come into any port or harbor of this state, from any other state or foreign port, having on board any free negroes or persons of color, as cooks, stewards, mariners, or in any other employment on board of said vessel, such free negroes or persons of color shall be liable to be seized and confined in jail, until said vessel shall clear out and depart from this state; and that, when said vessel is ready to sail, the captain of said vessel shall be bound to carry away the said free negro or free person of color, and to pay the expenses of his detention; and, in case of his neglect or refusal so to do, he shall be liable to be indicted, and, on conviction thereof, shall be fined

in a sum not less than one thousand dollars, and imprisoned not less than two months; and such free negroes or persons of color shall be deemed and taken as absolute slaves, and sold in conformity with the provisions of the act passed on the twentieth day of December, 1820, aforesaid."

Under this section, a colored cook was taken from a British merchantman and imprisoned. His majesty's consul at Charleston applied to the circuit judge of the United States for a habeas corpus. Mr. Holmes was engaged as counsel to resist the liberation of the cook, and to maintain the constitutionality of the state enactment. The subject was one of intense excitement. The question at issue was declared to be the ability of self-protection. Mr. Holmes took strong ground, even to the extent of avowing that, "rather than yield this necessary right, he would see the Union periled;" and he urged firmness among the members of the association, without regard to what might be the judicial decision of the question. The judge decided in favor of liberating the negro. The address of Mr. Holmes was considered inflammatory by the judge, and so reported to the State Department; and Mr. Holmes was accused of speaking of disunion as a light matter in comparison with the obligation of maintaining the state law. This led to a series of essays in the "Charleston Mercury," written by the late distinguished Robert J. Turnbull and Mr. Holmes, signed "Caroliniensis." These essays attracted much attention. The ablest of them, Mr. Holmes, with self-denying modesty, says were written by Mr. Turnbull. The latter gentleman, as he advanced, began to investigate the relation of the states to the general government—to scrutinize the powers exercised by it, and to look into the Constitution and its history, until, finally, he commenced a series of essays called "The Crisis," and signed "Brutus." In this publication he invited Mr. Holmes to join, who declined to do so, exhorting Mr. Turnbull to write alone, and to establish his own fame. The essays were altogether the work of the last-named gentleman. They have been published in a large pamphlet, and will stand a perpetual memorial of the talents, the virtues, and the learning of their author. The tariff, which pressed so heavily on the South, was fully examined; the evils inflicted by unlimited Federal legislation were vividly pictured; the limited powers of the general

government were defined; the right and duty of the states to prevent further encroachments were graphically outlined; and the attention of the entire South, but more especially of South Carolina, was awakened. Her politicians in Congress were described as men lulled to sleep by the genial influences of the Federal atmosphere. Her people were urged to take the matter into their own hands, and begin the work of reform. Agitation was thus commenced, and resistance was openly threatened by the people of South Carolina to that which they denounced as the unjust taxation of Congress. Thus prepared by these celebrated essays, the spirits of South Carolina called up the abler spirits who represented her in the halls of Federal legislation, and the answer was, "We will stand by our little state in weal or in woe."

In 1826, at the first dawning of resistance, Mr. Holmes was sent to the State Legislature. In 1828, the tariff, considered so burdensome by the South, was passed by Congress. At the following session of the State Legislature, Mr. Holmes moved that the state should "at once resolve upon resistance, and refuse to pay the unjust duties." This he proposed should be done without even the forms of a convention, but simply by legislative enactment. The resolution was defeated by an overwhelming majority, only twelve members voting with Mr. Holmes. He was deemed a restless spirit; the attention of the people was awakened; parties were formed, under the denomination of State-rights men and Union men; and at the next election for the Legislature, Mr. Holmes was left out as a dangerous man. In Charleston the Union men got a majority, but the agitation still went on. In 1832, another tariff was passed by Congress, and another state election held. Mr. Holmes was returned, and voted for what is known as "Nullification," which Mr. Jefferson had pronounced the "rightful remedy," and which, in the judgment of Mr. Calhoun, was intended by the Constitution *as* a remedy. Our readers will perceive that, in this place, it is not our business to enter into the details of that great struggle, which for a time threatened the peace of the Union. Those details belong to another page of our history.

Mr. Holmes, declaring that he cared nothing about the *name*, because it was the *thing* he wanted, went for resistance under *any* name. He avowed that when rights were invaded under

the forms of the Constitution, he should look beyond that instrument for a remedy; that he would recur to first principles—to state rights; and even, if need be, to natural rights. As he had joined in the law to nullify, so he resolved to give it a practical test. For that purpose, he imported from England a quantity of woolens; bonded them, and, when the bonds became due, refused payment. He stood suit, and pleaded *non est factum*. Judgment was rendered against him. He still refused to pay, and the United States marshal levied on one of his houses. But the Nullifiers were so strong that the friends of the general government did not bid. General Jackson, on hearing this state of facts, dismissed the marshal, who was himself a Nullifier, and appointed a Union man in his place. The house, however, was never sold, nor was the money on the judgment ever paid, until Mr. Holmes was coming to Congress in 1839. He was a practical Nullifier.

After the Nullification party had obtained complete ascendency in the State of South Carolina, it was proposed to adopt a test oath, making an oath of allegiance to the state, as paramount to the obligation to the United States, essential to holding office. To this Mr. Holmes objected, because he had imbibed a horror of test oaths, whether religious or otherwise. He believed that his opponents, the Union men, were as honest and as patriotic as his own party; and although he was active in doing battle with them, he was unwilling to manacle them in the moment of victory. For this he was denounced by his own party, but he stood his ground firmly, although he was the only Nullifier who voted against the test. By the Constitution of the State of South Carolina, no amendment to that instrument can be effected unless by the decision of two Legislatures, the object being to afford the people an opportunity of passing upon it at the ballot-box. When the election was approaching, the Nullification party informed Mr. Holmes that, unless he agreed to vote for the test oath, he should not be nominated. He replied that he could not change his opinion, and that he would leave the party unembarrassed by retiring from public life. This he accordingly did. He went into the country, turned planter, and remained there until elected to the national House of Representatives in 1839. Of that body he has been successively elected a member up to this time.

During this period of service, honorable alike to himself and his constituents, Mr. Holmes has been placed respectively at the head of the Committees of Commerce and of the Navy. At the second session of the twenty-seventh Congress, he was appointed a member of the Committee of Foreign Affairs, to supply one of the vacancies occasioned by a then recent difficulty with its chairman. [See title, JOHN Q. ADAMS.] This service Mr. Holmes, through the medium of the following letter, declined:

To the Honorable Speaker of the House of Representatives:

"Sir: I respectfully beg to be excused from serving as a member of the Committee on Foreign Affairs. The reasons assigned by those gentlemen whose resignations occasioned the vacancies recently filled by the appointment of other Southern members, appear equally applicable to all representatives of slave-holding states, and were deemed satisfactory by the House, as evinced in the unhesitating acceptance of the aforesaid resignations. I would further observe, that the chairman of said committee, having applied to my constituents the most opprobrious epithets, and charged all the delegation from South Carolina with having banded in a base conspiracy to destroy his good name, I feel convinced that the public service would not be advanced, or the harmony of the committee promoted, by the councils of

"Your obedient servant,

"I. E. HOLMES."

The letter having been read, the record says,

"The question was taken, and Mr. Holmes was excused by a vote almost unanimous."

He is a Democrat of the State-rights party. He asserts the doctrine of free trade. But he claims to be a Conservative, not a Revolutionist. He thinks the progress of the age is rapid enough, and looks to the good sense and inertness of the substantial and well-educated portion of the people to stay the headlong advance of the masses. Party ties bind him only to the extent to which his own intelligent judgment acknowledges their force. Hence he has never been able to go with any party to its *ultimate*. He supports the executive power whenever he deems that there is danger from the encroachments of

the representative. He opposes the President when he would absorb all power in the executive will. He considers the United States government a confederation as regards all domestic concerns, and as a government so far as it represents our international concerns. He looks upon the ordinance of 1787 as reserving the great waters of the West as public highways, and therefore as giving power to the general government to improve them for national purposes. He claims to have been the first to take that ground in Congress, and was thanked for it by Mr. Weller, in the name of the West, on the floor of the House. His position, as explained on a proposition to appropriate money for the improvement of the Mississippi and its tributaries, has been this: that the general government had a right to extend its jurisdiction to facilitate the carrying of commercial articles down those rivers; a proposition proved by the ordinance of 1787. This ordinance provided that the Mississippi should be free to all the citizens of the United States, and of the states that should thereafter come into the Union, and should not be molested or interfered with by any particular states. Now, if the government could not improve this river, one of two things followed: either that the jurisdiction which it had in consequence of the ordinance did not extend to the improvement of the river, or that the ordinance was unconstitutional. What *was* the ordinance? It was a contract made by the State of Virginia with the United States, then consisting of thirteen states; and all the essentials to a valid contract were embraced in it, viz., the subject contracted for, the conditions, and the power of the parties to contract. Nobody doubted the power of the parties to contract, and, in that view, the compact was legal. He supposed that no man would doubt that it was lawful for the United States to contract with the State of Virginia for the land granted in the compact, and to parcel it out into states and territories. Then, if the State of Virginia had a right to contract for the land, and the United States to receive it, unless the conditions took place, the land must go back to the State of Virginia. Either that whole country now parceled out into states and territories must revert to the State of Virginia, or these rivers were common highways, the improvement of which fell within the jurisdiction of this government. The proposition being laid down, he proved it thus:

The United States contracted to receive this territory; but were they not to give reciprocal conditions for it? Surely; and the conditions were, that these rivers should be common to all the people of the Union, divesting Virginia of her jurisdiction. Moreover, Virginia, when she parted with her jurisdiction, did not intend that any of her sister states should have it, and so provided in the compact. It followed, therefore, that the government, in not complying with the condition, destroyed the ordinance. And, further, no state having the right to improve this highway, and no state having jurisdiction over it, the United States had exclusive jurisdiction, and was bound to improve it. It must be improved by the government of the Union, or not at all.

If the constitutionality of these appropriations was thus clear, Mr. Holmes regarded the expediency of them as equally so; and, looking to the immense loss of property and life resulting from the obstructions in this navigation, he has been willing at all times to vote any amount of money that might be required for their improvement.

While entertaining these opinions, he has resisted appropriations by Congress for a general system of internal improvements which embraced every section and every interest. He has contended that, if carried out, it would require millions for its commencement, and untold millions for its prosecution. The treasury might be improved by all the means and facilities within the power of Congress; the tariff might be increased; the public lands put up at public auction; direct taxation even might be resorted to; and yet all would not suffice to carry on this system to the extent which had been carved out. He had hoped that the system had received its quietus years ago; but it seemed, like the giant of old, to have risen with fresh vigor from its fall; and he warned gentlemen that, if allowed to go on, as he feared it would, the most disastrous consequences would ensue. In his opinion, there was a growing disposition to make this Union of States a vast consolidated empire, and to take from the people the means of controlling their expenditures. The consequence would be, that the public treasury must be filled *per fas aut nefas*, and that the whole country would be bribed with the money unjustly wrung from them.

An allusion made by Mr. Douglas, in the twenty-eighth Con-

gress, to the course of Mr. Holmes on this particular branch of public policy, elicited the following reply:

"The gentleman from Illinois," said Mr. Holmes, "in default of legitimate argument to justify his course, resorted to the more effectual mode of argument, drawn, not from premises, but from men, and voted under the sevenfold shield of the Telamon Ajax. Jackson said so, *ergo* it is so. That was the gentleman's mode of reasoning.

"Mr. Douglas interposing, said that he would refer to another authority, John C. Calhoun.

"Mr. Holmes. 'I am no man's man. I will neither defer to General Jackson nor to John C. Calhoun, when the Constitution of the country is concerned. And I will tell gentlemen another thing: if I do not possess the great light which burns with so much effulgence about those great men, yet I will not attempt to illuminate the pathway of rivers by merely lighting a loco-foco match.

"The gentleman has attacked me because, at the commencement of the session, I advocated the improvement of those great highways of the West, the Ohio and the Mississippi. The gentleman, then, will not allow of my assistance at all; for it seems that, unless I go to the whole extent for national improvement with the zeal of a Western man on one side, or of a member of the Federal party on the other, I had better stand out of the way altogether. I asserted that the appropriation for the improvement of harbors was unconstitutional; and, at the same time, I also asserted that the Mississippi and Ohio Rivers, as contradistinguished from other rivers, are great national highways, over which the authority of Congress did extend. My position was this: that whenever there was a proprietary right in the United States, and not in a state—and I beg gentlemen to mark the distinction—it was the bounden duty of the United States to improve those rivers, and keep them open for the navigation of the whole country.

"'Such was the argument and illustration of the Telamon Ajax behind whose shield the gentleman retired. But General Jackson, though he possessed great tenacity of will, was nevertheless not tenacious of a particular line of policy; for I must say that I have never known a public man whose policy has varied so much and so often, in accordance with his

exact position at the time, as General Jackson's. In one respect, General Jackson had walked in the footsteps of his illustrious predecessor, and his immediate predecessor too; for he advocated the system of internal improvements to the fullest extent, and never faltered in his career till he found another great man running the same race with him, and then he tacked about and took another course. But, without dwelling on this part of the subject, I will put the question to the Democrats of the West whether, in going beyond the great national highways (the Ohio and Mississippi), they are not endeavoring to revive the very system of internal improvements which General Jackson destroyed by his veto? I say destroyed; but I fear, from the connection I now see between the Tariff party and the Internal Improvement party, that the system was only sleeping, and that new life and vigor are now about to be infused into it. I have great reason to fear this when I hear a gentleman invoking the name of General Jackson to sustain this Juggernaut system of unjust taxation, and that other great system of unjust expenditure. Gentlemen who support this system may draw distinctions, if they please, between themselves and the Whig party, but

> " ' " Optics sharp it takes, I ween,
> To see what is not to be seen."

Those measures, which the Whigs proclaimed to be in accordance with their cardinal principles, and which were defeated by the veto of General Jackson, are now about to be revived by the Democratic party; and well might my friend (Mr. Rhett) say that the Whigs cheered them on in the work. When I see gentlemen from the West come in and tell us that every river —no matter where may be its source—no matter through what territory it flows—is a proper object of internal improvement; and when I see that, by making a log-rolling bill, in which every part of the Union is to have its share, so as to carry it through the House, the old, exploded system of internal improvement is to be revived, I confess I have lost all hope of seeing an end put to the odious system of unjust taxation and extravagant expenditures. I beseech gentlemen to pause, and not to suffer themselves to be seduced by any local appropriations into a violation of the Constitution.'

"Mr. M'Clelland desired to ask on what principle the gentleman based his vote for an appropriation for the Ohio and Mississippi, and denied appropriations to the lakes, which the Western people said were essential for their defense? What distinction did the gentleman draw between appropriations for light-houses on the lakes and appropriations for harbors?

"Mr. Holmes. 'In my opinion, Congress has a right to remove obstructions in the lakes, for the reason that the jurisdiction is in the United States; but Congress can not improve the harbors, because the jurisdiction is in the states. For the same reason, Congress can improve the Ohio and Mississippi Rivers; for the United States possessing proprietary and territorial jurisdiction over them, the states can not improve them if Congress does not. But Congress can not improve the Illinois River, for it does not possess jurisdiction over it; the jurisdiction of that river is in the states through which it flows, and they have the power to improve it.'"

Acting upon these convictions, the veto of the President on the River and Harbor Bill of the first session of the last Congress was hailed by Mr. Holmes with undisguised satisfaction. He spoke of the "blasting influence" which the passage of such a bill into a law would have had, after the "glorious deeds" which that Congress had consummated. It was truly refreshing, he thought, to have an executive who, in spite of all the clamors with which not only his opponents, but a large portion of those who came into the national Legislature upon principles necessarily involving enmity to internal improvements and extravagance, would assail him for throwing himself upon principle, and doing a deed which showed him to have nerve, and fit to be at the head of this confederated empire, able and willing to throw back the waves of extravagance which tended to destroy the energies and liberties of the people.

The record contains the following passages:

"Is the party with which I act," said Mr. Holmes, "the Democratic party *par excellence?* Is it a party of principle? And if it is a party of principle, with what face can they rise on this floor, and reprobate the veto which supported that very principle on which the Baltimore Convention acted?

"A voice. 'Did you take part in the proceedings of that Convention?'

"Mr. Holmes. 'I was not in the Baltimore Convention. We of South Carolina held that the formal declaration of our creed was unnecessary, and the reason is obvious: it is founded on the eternal principles of free trade, the peace of the country, and democracy for the benefit of the whole—not a part, the North and West. I stated distinctly, that if the Democratic party intend to stand together, they must not divide off in this manner whenever there comes a local question of harbors and rivers, and improvements at each man's door. What is this government? It is a confederacy to do what the states individually can not do; and had the idea been entertained that they were to do what any state could do, the South never would have entered into the confederacy, which, under this system, would create a central action, like the sun in mid-heaven, drawing the whole moisture from the South, and throwing it upon the North and West. We came into this confederation to do equal justice to all, particular favors to none. But this system, if carried out, will give to the North and West additional expenditures to those already drawn from the South, and which we, by producing the largest amount of export, which is the basis of import, furnish the ability to pay. We have given peace to the country by doing justice on the Oregon Question; or, if not peace, a glorious struggle between monopoly and liberty. Let it come. Sir, we have burst the Bastile of restriction, and unfettered the energies of the people; and let us now stop, by that veto and the sustaining thereof, this extravagance of expenditure, that we may return to our constituents with the consolation that we have done what our fathers intended when they made this government, and designed it to be one of universal blessings, not of particular curses.' "

Mr. Holmes has been the true and steady friend of the West Point Academy—most its friend when friendship most was needed. And on one occasion, when that institution was so vigorously attacked by certain Western Democrats as to jeopard its existence, he was complimented as having saved it by his speech. Not less tried, and, at one time, scarcely less needed, has been his friendship for the navy. And when, two years ago, Mr. Bancroft, then Secretary of the Navy, desired to dismiss one third of its officers, and otherwise to cripple that cherished arm of our national defense, Mr. Holmes called upon

the President, and remonstrated with him. The project was finally abandoned. He took ground, also, against any reduction of the army, and opposed the appointment of Colonel Benton as lieutenant-general of the armies of the United States. In a speech which he made at the end of the last session, he declared that the bill creating that new office was designed to disgrace General Taylor, who had, by his unexampled successes, and in spite of the administration, preserved it from disgrace. He declared that if any administration in England or on the Continent had been sustained under all their difficulties by such gallant battles as had lately occurred on our Southern frontier and in Mexico, the gratitude of the nation would have been commensurate with the extent of the kingdom. His course was influenced by no personal opposition to any of the officers, or any regard to the question whether they were in the Whig or Democratic ranks; but he insisted that if such a blow as it was proposed to inflict should be perpetrated, it would be a blow at the spirit, the honor, and the virtue of the whole army. It was no more nor less, he thought, than a proposition to place civil politics and party politics in the van of all the honor and all the bravery which adorned our army.

"In Europe," he said, "men are educated for the military profession; and it has been the policy of our fathers to have their armies led by men properly trained to the military art, as well as in civil accomplishments; and yet now, because General Taylor, who has never thought of the presidency, or of running the race to obtain it, but whose whole life has been spent in camps and in the field, who has won victory after victory, and added more to the national glory than any other man now living, happens unfortunately to be cursed with the name of 'Whig,' he must be superseded, and publicly dishonored and disgraced.

"There are times when good men feel that party is nothing, and that country is all. But, if what we read in Greek and Roman story is true, it seems as if the time is fast coming in this republic when public virtue will be a crime, and to have promoted the glory of the government will but insure a man's disgrace, and prepare the way for his ruin."

At the very moment when politicians were willing to disparage the services which General Taylor had rendered to his coun-

try, Mr. Holmes held the sagacity and wisdom of that illustrious man in so high appreciation, as to be one of the first to shadow forth for him the political elevation which has since been anticipated, and hoped for, in so many quarters.

He was one of the early advocates of the annexation of Texas, and, if we recollect right, was the first to speak of that measure in the House as "the settled policy" of the government under Mr. Tyler's administration. [See title, ROBERT C. WINTHROP.] He believes the Mexican war to be unnecessary. He abhors the Wilmot proviso; so much so, that he declares he would rather see the Union dissolved than the spirit of that resolution carried into effect. The principles upon which he would terminate the struggle are found in a series of resolutions which he introduced at an early day in the present session:

"Whereas this confederacy was formed for the establishment of a perfect union, and promoting the general welfare, it becomes those who are intrusted with regulating the government so to direct its movements as to perfect that union and advance that welfare; and whereas the prosperity, felicity, safety, perhaps national existence, are involved in the invasive war we are now prosecuting against our sister republic of Mexico, this important consideration should lead us to the adoption of such measures as may result in doing justice to Mexico, and promoting the lasting welfare of the United States; therefore, be it

"*Resolved*, That it is inexpedient for the United States government so to use its conquests as to extinguish the national existence of Mexico, but that it should so avail itself of the victories it has achieved as to establish, by treaty stipulations, a lasting peace with Mexico upon the basis of an entire free trade between the two republics, such as exists between the several states of this Union.

"*Resolved*, That we agree to recede all the territory we have taken from Mexico beyond the Rio Grande, upon the condition that our citizens have free ingress and egress into and from New Mexico and Upper California, the privilege of holding lands, exercising their religion, and of carrying on trade as fully as any of the Mexican citizens of those provinces.

"*Resolved*, That a further condition be the right of entry and departure of our shipping, both national and domestic, into and from the Mexican ports, as unrestricted as in the ports of

the United States, with all the rights of breaking bulk, taking in and discharging, purchasing and selling of cargoes, as in our own ports.

"*Resolved, further*, That we stipulate for a right of constructing a railroad from the United States to the harbor of San Diego, and to any town in New Mexico or California.

"*Resolved*, That it is expedient to keep possession of the Castle of San Juan de Ulloa as a hostage for the fulfillment of the stipulations above recited."

On the Oregon Question [see title, S. A. DOUGLAS] he took resolute ground against the extreme claim:

"Oregon," he said, "what is it? Is it the quality of her soil? Is it the wealth that is contained in her mineral bosom, the capaciousness of her bays, or the clearness and rapidity of her streams, that have invested her with these magic hues? I have listened intently for the reasons, and I do most conscientiously declare that the whole of them have been resolved into two simple propositions: first, that the title is unquestioned and unquestionable; secondly, that the area of freedom must be extended. And upon these two abutments is to be sprung a great arch that is to cover the whole question with all its mighty influence. Unquestionable and unquestioned! Why, sir, it is not unquestionable, because *it has been questioned;* and it ever will be questioned, because it ever will be questionable. I deny *in toto* any right, any claim to that territory, or to any part or parcel thereof, that does not appertain with equal force and efficiency to the power of Great Britain; and if I do not, by as fair reasoning as I can bring, demonstrate this position, I am willing to give up, now and forever, any claims to logical powers."

Again, speaking of that joint occupation of the territory against which a resistless current had suddenly and violently set in, he remarked:

"Gentlemen say—and to most of them it is a vision of horror—that the American and the British people would be compelled to live upon the same soil under different laws. Sir, to my unassisted vision, it is one of the most beautiful, animating, and soul-stirring conceptions that the eye of imagination can contemplate. I had hoped that the experiment of a joint occupancy was about to foreshadow an apocalyptic event; that

nations would hereafter have dwelt together in unity; that no longer 'lands intersected by a narrow frith would make enemies of nations, which else, like kindred drops, had melted into one;' that from the bosom of that far-off region would have risen the morning star of peace, that would have expanded until its lustrous beauty should have faded in the brighter glory of the millennial day. Sir, that vision is passed—it is gone. 'Oregon is ours, and we must have it!' "

Mr. Holmes is a gentleman of accomplished manners, and a scrupulous sense of honor. His hospitable disposition and fine social qualities are admitted wherever he is known. He is a man of high independence of character—prompt—decided—self-sustained. As a debater, he is eloquent and figurative—occasionally, perhaps, tending toward the transcendental. He is known to indulge himself sometimes in mystical philosophy. Asserting always the utmost freedom of discussion—illustrating practically in his course the great truth that error is not to be feared "while reason is left free to combat it"—nothing seems more impracticable than to procure a vote from him in favor of the ordinary modes by which debate is suppressed or cut off. His dislike to them appears to be almost as instinctive and as mortal as the aversion of Henry A. Wise to *majorities* is once said to have been. Mr. Adams—himself the inexorable foe of all *gags*—handsomely acknowledged this peculiar attribute on a certain occasion. The latter had presented a memorial purporting to come from citizens of Georgia, setting forth that they considered it a great grievance that he should have been placed at the head of the Committee on Foreign Relations, because, although they admitted him to possess patriotism, talents, and all the qualifications of a statesman in the most eminent degree, yet they believed that he was afflicted with a species of monomania on all subjects connected with people as dark as a Mexican, and was not, therefore, fit to be intrusted with the business of our relations with Mexico. The memorial was forwarded to Mr. Adams himself for presentation.

Mr. Adams claimed to be heard in his own defense. The right or privilege, whichsoever it might be, was contested, but by none more stoutly maintained than by Mr. Holmes. The record says:

"Mr. Adams here read the letter [transmitting the memo-

rial], which was dated at Clarksville, Georgia, 10th of December, 1841, and commented on it as he proceeded. The writer gave as the reason why the petition was transmitted to Mr. Adams instead of one of the Georgia delegation, that the petitioners were unwilling to be the cause of any unkindness between Mr. Adams and the gentleman who might present it.

"It was a deliberate thing," Mr. Adams said, "and was signed by the secretary of the meeting.

"Mr. Warren. 'Read the name of the secretary.'

"Mr. Adams. 'It is James Playfair, and his name corresponds entirely with his character. There was fair play in the course he had pursued, and he honored him for it.'

"Mr. Habersham. 'There is no such person in the county.'

"Mr. Adams. 'The gentleman from Georgia (Mr. Habersham) said yesterday that there were no such persons in the county as the signers of the petition.'

"Mr. Habersham. 'I said that *I knew* of no such persons in my county; and certainly there is no such person in it as James Playfair.'

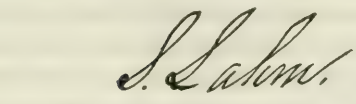
"Mr. Adams. 'The gentleman from South Carolina (Mr. Holmes) said he did not believe the petition to be a hoax, and that I ought to be heard in reply to it.'

"Mr. Holmes wished to explain what he did say. It was, 'that, hoax or no hoax, courtesy required that the gentleman should be heard.'

"Mr. Adams. 'Well, sir, I thank the gentleman from South Carolina. I perceive that *he* belongs to the "Playfair" family.'

"Mr. Adams then proceeded with his comments on the letter"

LAHM, SAMUEL,



IS a new member. He was born on the 22d of April, 1812, near a small village called Leitersburg, in Washington county, Maryland. His mother still resides in that village. His father, John Lahm, died some years ago.

He is of German descent, his parents having emigrated from Germany. His father was a mechanic, but during the last ten or twelve years of his life cultivated a small farm adjoining the village, and also kept a public house. When the family removed to the tavern, Samuel was about twelve years of age, and from that time until his eighteenth year he was compelled to discharge the duties of ostler and shoeblack, his father keeping no boy about the house but himself. About this time he was reprimanded—severely and justly, he says—for some bad conduct, and ran away from home. He went to a small village in Franklin county, Pennsylvania, where he made an engagement as clerk in a small dry goods establishment. He remained there three months, after which he returned home, with the understanding that he should be permitted to devote some time to acquiring an education.

An individual of the name of King, previously from Baltimore, at that time taught school about two miles from the village, and, having contracted something of a liquor bill, Mr. Lahm's father concluded that he should take that out in schooling. He continued, accordingly, at the school about two years, at the end of which time he was tolerably well acquainted with most of the branches of a common English education. He became sensible of the necessity of doing something which would enable him to earn a living, and determined to learn a trade;

but his father absolutely refused to let him do so, promising that in a few years he would assist him with some means. In this promise the son did not place much confidence, because his father would not furnish him with means to purchase the necessary school-books, the object in this being to punish him for some of his wicked actions, for he was what was called a very wild lad. He then determined to prosecute his studies, and qualify himself for the profession of the law. To this end, he took a school in the country, which he taught during the winter, and, with the small amount of funds raised in this way, he left in the spring for the seminary at Gettysburg, Pennsylvania. He remained there during the summer session, and then left for want of means, but with considerable credit to himself, and with the good wishes of the entire faculty. There were among his classmates several gentlemen who are now eminent in their professions: of the number are the Rev. Theophilus Stork, of Philadelphia, and the Rev. Samuel Spreacher, of Chambersburg.

After leaving Gettysburg, he taught school in his native village for about two years, devoting all his leisure time to the prosecution of his studies. With the little money thus received, and the good wishes of his neighbors, he left for Washington College, Washington, Pennsylvania. He remained there but one session. He did not attempt to graduate, though qualified to do so in all branches excepting the Greek, to which he had paid no attention. In March, 1835, his father furnished him with some funds, and he left for the residence of Oliver H. Smith, of Indiana, since that time a senator of the United States from that state. Of this gentleman he knew nothing beyond the fact, communicated by letter from a friend in Ohio, that he was a lawyer of some eminence in the state, with whom it would be advisable to read law. On reaching his residence, Mr. Lahm found that Mr. Smith was not only an excellent lawyer, but a kind-hearted man and a perfect gentleman. He immediately tendered to him the privilege of his library, and also a home as a member of the family. The proposition was accepted, and Mr. Lahm commenced the study of the law. Owing to his pecuniary circumstances, and to a fixed resolution to qualify himself for admission before a young man who had already been several months in the office, and toward whom

he had conceived, in consequence of ill treatment, a rooted dislike, he studied every day from daylight until 10 and 12 o'clock at night, scarcely excepting even the Sabbath. In September, 1835, having read but six months, Mr. Smith advised him that he was qualified for admission; and, without any solicitation on his part, gave him the necessary certificates, and also letters of recommendation to the prominent men of Laporte county, which Mr. Smith selected for him as a good locality. Mr. Lahm left the residence of that gentleman with the best wishes of all the family except his fellow-student, and even he, several years afterward, wrote a letter apologizing for his conduct.

After examination and admission, Mr. Lahm visited Laporte, but, for considerations of health, remained there only a few days, when he left for his home in Maryland. On reaching Canton, in Ohio, he was pleased with the place, and, through the advice of some connections, was induced to make it his home. He has remained there since October, 1835. The laws of Ohio require of persons who have been admitted to practice in other states, but who have not practiced, a residence of one year before they can be admitted, and also two years' reading before admission. A strict compliance with this law would have compelled Mr. Lahm to read eighteen months before he could have practiced. The one year he could not escape, but the difficulty as to the other six months he avoided by not making known to any one how long he had read. Consequently, at the end of the year he was examined, and at once admitted. He formed an immediate copartnership with A. W. Loomis, formerly member of Congress from Columbiana county, Ohio, and now a resident of Pittsburg, Pennsylvania. They continued together, having a very excellent country practice, until the fall of 1841, when Mr. Loomis left the state.

In the spring of 1837, Mr. Lahm received from the Court of Common Pleas of the county the appointment of Master in Chancery, which he held for three years. In the fall of that year he was nominated by a Democratic convention for the office of prosecuting attorney. The contest for nomination was a severe one. He defeated his opponent in a convention of eighty-five delegates by one vote only. This office was not sought by Mr. Lahm. Indeed, for a long time he had refused to be a candidate, having no confidence in his own ability to discharge the

duties of the office. He was, however, elected; and at the end of two years he was re-elected, defeating his former opponent in convention by a large vote. At the end of four years he declined a re-election. During his term of office there was an immense amount of criminal business in the county, and he believes that he never lost an indictment for want of *form*. The most important case in his term was that of Ohio *vs.* an individual, for forging a certificate of deposit in one of the state banks by alteration, which certificate the accused, being postmaster, took from the mail. The prosecution excited much interest, in consequence of his frauds, on different persons, having amounted to some ten or fifteen thousand dollars. The case was removed to an adjoining county, and the accused was defended by Thomas Ewing, former Secretary of the Treasury under General Harrison, D. A. Starkweather, H. Griswold, John Harris, and others. Mr. Loomis and Mr. Lahm appeared for the state. The accused was convicted, and sentenced to the penitentiary.

In the fall of 1842 Mr. Lahm was nominated and elected by the Democratic party to the office of state senator. The most important questions before the Legislature at the session of 1842–3 were the districting the state for members of Congress, and the subject of banks and currency. In both of these questions he took an active part. With reference to the former, he succeeded in keeping his own district unaltered in territory and number. On the subject of the currency, differences began to manifest themselves, at the session of 1842, in the sentiments of Democrats. A very few were in favor of destroying all banks, but a large majority were in favor of a well-restricted banking system. He was of the number of the latter. The bill known as Bartley's Law was passed in 1842–3. At the session of 1843–4 the question again came up, and a division took place among Democrats on what was called the Wooster Bank Bill, the object of which was to exempt that bank from the provisions of Bartley's Law. Four Democrats of the Senate and seventeen of the House were in favor of this bill. Among them Mr. Lahm took the lead, with a determination to put it through. The bill was passed. It created an intense excitement in the state, and separated the party into divisions, known by the name of "hards" and "softs." This divi-

sion gave to the Whigs the Legislature in 1845, and the governor in 1846. In Mr. Lahm's district the division was more general than in any other in the state, which was made the pretext, as to himself, of violent political vituperation.

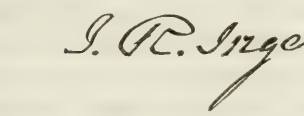
In the fall of 1844 he was a candidate for Congress. In his own county he received the votes of two thirds of the delegates; but in Wayne, where he was not known, the vote given to Mr. Starkweather, who had the support of the press, overbalanced *his* in his own county. His friends then nominated him for the State Senate; and when the "hards" found that they could not succeed in defeating him in any other way, they united with the Whigs, and elected the Whig candidate. In the fall of 1846, the division still remaining unhealed, his name was announced as an independent candidate; and although Mr. Starkweather was elected formerly by a majority of about 1800, yet at the election for the thirtieth Congress Mr. Lahm defeated him by a majority of about two hundred.

When in the State Legislature, Mr. Lahm, as chairman of the Committee on Public Institutions, made a report against the removal of the seat of government from Columbus. He investigated the subject thoroughly, and his report is said to have given a *quietus* to that question. In military matters he has taken some interest. He has been elected to different offices, and received different appointments, first entering the colonel's staff, and then having been elected lieutenant-colonel, and, lastly, brigadier-general, which latter post he now holds.

We should note that he represented his district, which is the eighteenth of Ohio, and consists of the counties of Stark and Wayne, in the Baltimore Convention, which nominated Mr. Polk to the presidency. His own predilections were in favor of General Cass, but he supported Mr. Van Buren under instructions. Though elected, as we have shown, as an independent candidate, he entered Congress with a determination to give his support to all the prominent measures of the Democratic party. And he has done so.

He was married in 1838 to Almira Webster Brown, daughter of Daniel Brown, formerly a merchant of Portsmouth, New Hampshire. He has three sons and a daughter living. In person he is about five feet ten inches, rather strongly built, with light brown hair and whiskers.

INGERSOLL, JOSEPH REED,



IS the son of Jared Ingersoll, who represented in part the people of the State of Pennsylvania in the Convention which framed the Constitution of the United States. Inheriting an attachment to that instrument, he has never failed to bring to its support his cordial and deliberate exertions. During an active professional career at the bar of Philadelphia, he devoted himself for a considerable time to the practice of the law. With occasional indulgence in literature, and a connection with many of the public institutions of his native city, he has not until within the last few years actually exchanged the labors of a toilsome profession for the more exciting duties of Congressional life. He contributed to the student of maritime law a translation, from the Latin, of the treatise by Roccus on Ships and Freight, with copious original notes. The author of many collegiate and other public addresses, he adhered somewhat steadfastly to his profession, with the exception of a short interval in the twenty-fourth Congress of 1836–7, until the winter of 1842, when he succeeded to a place rendered vacant by the resignation of John Sergeant, in the Whig House of Representatives, at the second session of the twenty-seventh Congress. Since that time he has continued to represent the second Congressional District of Pennsylvania.

The public records bear ample testimony to the ability and laborious research with which he has fulfilled his trust. Early in the first session of the twenty-fourth Congress, when the discordant opinions that have since so much distracted the public councils, in relation to the disposition of abolition petitions, began to threaten serious evils, Mr. Ingersoll offered a proposi-

tion which, as indicating the high national ground that he himself occupied, we here subjoin. He offered it, he said, as a means of tranquilizing all parts of the House, without compromise on either side:

"*Resolved*, That the *holding of slaves* is a *right* clearly recognized by the Constitution of the United States, and is thereby secured to the citizens of those states whose policy does not forbid it, as the legitimate *subject* of individual property, and *source* of political influence and power; and all attempts to interfere with, or molest them in its exercise or enjoyment, are impolitic, unconstitutional, and unjust."

Without arguing the question whether the same Constitution which gave this security to the possessors of slaves, and which also gave to Congress exclusive power of legislation in all cases whatever over such district as might become the seat of government, did or did not include the power to abolish slavery within its limits, he contended that the true policy was not to let petitions of this character remain unanswered, but to *decide* them all, and in that decision to pronounce an emphatic vindication of all that was done. At the same session he advocated with much earnestness the distribution of the proceeds of the sales of the public lands as a measure of paramount importance and utility.

During the troubled administration of Mr. Tyler several interesting questions were agitated. Among these was the subject of the assumption of state debts by the general government. Mr. Ingersoll is the author of a report in opposition, and in answer to numerous memorials and applications by which that measure was urged. The idea itself has become almost obsolete; but the report will richly repay perusal, and may be found among the records of the House under the date of January 30th, 1843. He is also the author of a report, made at the first session of the twenty-eighth Congress, on the question of so amending the Constitution of the United States as to strike from the third clause of the second section of the first article such parts as, in the apportionment of representatives and direct taxes among the several states, authorize the addition to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, of three fifths of all other persons. The Legislature of Massachusetts adopted cer-

tain resolutions, which were formally communicated to Congress, recommending for its consideration an amendment of the Constitution by which this clause should be abolished. [See title, JOHN Q. ADAMS.] These resolutions were referred to a select committee, of which Mr. Ingersoll was a member, and who, in behalf of himself and one other member, Garrett Davis, of Kentucky, made an elaborate report.

"The high source," says this document, "from which the recommendation comes, single as it is, and altogether unsustained by similar movements on the part of other Legislatures, entitles it to respect; and the general interest felt in the whole subject to which it refers, claims for it prompt and attentive consideration. If the conclusion at which the committee has arrived, and this candid exposition of some of its members, should not precisely meet the wishes which have been intimated by the representatives of a great commonwealth, the committee will derive rich consolation in reflecting that Massachusetts has shared largely in the benefits and blessings of the Constitution which she proposes to change; that her participation in them is hourly increasing; and that the alteration which she recommends could have little direct influence upon her own condition, however, in the estimation of many, it might reflect credit upon her statesmen for the indulgence of a spirit of far-reaching and itinerant philanthropy. This consolation finds as little abatement in anticipation as in retrospect. The past prosperity of that important member of the Union, derived essentially from the Union, has rested upon principles which, in their nature, can not change. It had for its forerunner a bright career of military glory, and an early combination of patriotic efforts, which contributed largely to achieve the independence of the whole nation. These recollections afford a pledge for the continuance of advantages in connection with the Union, at least as abundant for the future as they have been glorious and productive in the past. The reflections which have consoled the committee, in not being able to unite in any measures to further the amendment recommended, will, it is hoped, be no strangers to the authors of the resolutions themselves. While unable to concur with them in facilitating their objects, or even in the estimate which they appear to have made of the inherent nature of the change proposed, and its congruity with the purposes of

the Constitution respecting amendments, the committee has not withheld from the subject an attention proportioned to its magnitude. The House of Representatives has so far acted upon the application of the single state as to consider its resolutions entitled to formal reference. The subscribers will do no more than discharge an obvious duty to the body of which the committee itself is merely the agent and organ, in submitting to the House, in the absence of any formal report, their own individual views.

"In treating the subject, the undersigned have felt that the committee possessed the power of choosing between distinct and different paths. Were it composed of heated zealots or infuriated partisans, anxious only to achieve a short-lived victory in active and animated discussion, or to retire from it with the bitter fruits of discord as the reward of uncompromising struggles in unbecoming strife, it might select the one. Were it animated by loftier motives, and bound by an ardent love of country, to exercise, if possible, a persuasive influence over excited passions, and to contribute, in public position, to advance the natural tendencies of individual benevolence, to tranquilize and assuage, it would pursue the other. Feeling has been inflamed by long-continued controversy. Taunts and reproaches have been freely and reciprocally flung. Censure has poured out its stores of contumely upon those who never sought, and who devoutly believe that they can not, if they would, abandon the subject of reproach. Enough has been done and suffered from ill will. In selecting a course of conciliation and forbearance, or, rather, in obeying the dictates of patriotism, which should control the official guardians of the public weal—members of a body which should reflect, as from a mirror, the wishes and interests of the whole nation—the subscribers devoutly believe that they shall discharge a solemn duty. They are sensible, at the same time, that the discussion will be tedious and tame. Where a theme is replete with topics of exciting interest, and the treatment of it, upon both sides, is habitually ardent and impassioned, cool reflection and sober reason have little claims upon popular sympathy or applause. Passion is always contagious, and, for the most part, eloquent. It readily invests its efforts with the attractions of fancy, and draws into its vortex the feelings, if not the judgments, of men. In its most ordinary

influences it is pernicious. When it assumes the direction of distant and complicated interests, and assails the delicate positions of a deeply-rooted sensibility, it threatens to stir up an agitation that may not speedily be repressed. Mistaken sympathies abroad, leagued with partial efforts of domestic hostility, have done much to provoke and wound. If they should now be seconded by keen invective from the heart of the legislative council of the nation, none but fatal consequences can ensue. We are one people. If there are common errors to be amended, let us correct them as we can; but let us not add the folly and the meanness of self-abuse to the malignity of foreign denunciation. By such means the Constitution—the acknowledged work of sages and statesmen, whose memories are embalmed in the hearts of a grateful and admiring country—will be canceled and torn to pieces; a union, the fruit of blood and toil, glorious in its formation, and successful in its results beyond precedent and almost beyond hope—the fairest work of human hands, if cherished and preserved—will be dissolved; a large portion of this fair land may be made the scene of massacre and bloodshed; all the rest will be exposed to be overwhelmed with incongruous associations, forbidden by the laws of nature and of man. And all for what? For the indulgence of little else than an abstract theory on the part of those who, in security, unconsciously stir up the prodigious mischief, at the threatened cost of life and treasure to their brethren, who alone can become the sufferers; a theory, too, the elements of which have lain buried since the formation of the Union, and are now gathered, like the spell of the necromancer, from the decayed bodies and phosphoric lights of charnel-houses, to spread noisome pestilence among the living. Burning thoughts and words may be given out, and may not, by any will or power, be recalled. They will extend with the fatal rapidity of Phrygian fire. If the result should be destruction to the fabric which has been reared by patriotism and consecrated to freedom, foreign nations will rejoice over the downfall which they have confidently predicted of the last great experiment of popular self-government."

The report takes the ground that, by the principles of the Constitution, this compromise was fairly made, and was intended to be permanent; that it had fulfilled its purposes with respect to other sections of the Union, and could not now, when

those purposes had been accomplished, justly be abrogated, without the consent of all who were originally parties to the instrument. And it thus concludes:

"Why should an arrangement, which was coeval with the Constitution, and ingrafted upon it, be considered ephemeral? Why should not a compact, solemnly and deliberately made, fully understood and fairly entered into, be perpetual? Why should not patriotic purposes, happy and harmonious in their origin, glorious in their exercise, and fruitful in their consequences, be cherished and preserved? Slavery exists and is protected in one section of the country; it is abrogated in another. The same relative feelings and judgments respecting it which prevailed formerly remain in kind, if not in degree, unchanged. Union is as desirable, harmony and good-will among the states are as much to be cultivated as ever. The people are the same in their internal condition and their relations toward the world as they were in the year 1787. If a less extent of numbers rendered the whole nation feebler at a former period, and more exposed to encroachments from foreign enemies and dangerous neighbors, a greater extent of numbers, which now makes them more powerful, enables them the more effectually to aid and support each other. If the system of slavery be indeed on the decline, and public sentiment be in truth rapidly accelerating its final extinction, without the necessity of external assaults, why not leave it to the doom which is supposed to await it? Nothing in the present numbers of the slave population, compared with its past extent, justifies neglect. Its actual increase has been great, although it has not kept pace with that of the whites. Two millions four hundred and eighty-six thousand two hundred and twenty-six of this description of persons in 1840, have succeeded to six hundred and fifty-seven thousand and forty-seven in 1790. This quadrupled mass of a separate race does not less require compromise and care, for the sake of an arrangement between those among whom exclusively is its abiding-place and the rest of the republican family, than it did when a fourth only of the number, formidable even then, was found. No matter whether the combination of races in its present form, the Caucasian master and the African slave, is to endure for ages, or, in the sure development of human affairs, is gradually to change its charac-

ter, the necessity for existing provisions is, in either aspect, indispensably, and perhaps equally, required. The author to whose tables reference has been made, predicts, that among the grain and cattle-growing states emancipation will be easier and sooner than where products are grown which require much labor and manipulation; and that in the order named it will proceed. Whether the event be distant or near at hand, practicable or impracticable, is matter of speculation and surmise. We will not here indulge in an inquiry, which, however interesting in itself, is not embraced in the duties of this committee. The subscribers, knowing the system to exist and to be recognized in the Constitution, and believing that recognition to have been once essential to the formation, and now necessary to the preservation of the Union, have no desire to gratify or duty to perform, except to leave it upon the basis selected for it by those whose example it is wise to emulate, and whose counsels it is virtuous to obey."

Mr. Ingersoll was also the author of a minority tariff report, in which the principles of the act of 1842 were elaborately vindicated, and any essential change opposed. The circumstances under which that tariff act was matured and reported are not generally known. The Secretary of the Treasury, having been more than once called on by the House of Representatives, communicated, at a somewhat advanced period of the session, to the Committee of Ways and Means, a *bill* in all of its details. The committee made this bill a very broad basis, and proceeded to examine it, with the constant attendance and assistance of Major Barker, who had been collector of the port of Philadelphia and was employed at the Treasury. Several of the members of the Committee on Manufactures frequently attended the Committee of Ways and Means, and gave them advice and assistance. The sittings were constant and laborious. They took place not only at the ordinary time before the meeting of the House, but occasionally while the House was in session, and in the afternoon and evening. The committee frequently admitted persons representing the various interests which might be affected by the proposed law; even ministers of foreign governments were heard on those points which might affect the people of their country. After great deliberation the bill was reported. It underwent a long and patient discussion, and at

length (modified greatly and differing in many details from the bill prepared by the Secretary of the Treasury, Mr. Forward) became a law.

Among other measures introduced by Mr. Ingersoll, we notice a bill to abolish public executions, and a joint resolution authorizing the President of the United States to cause medals from the trophies of Palo Alto and Resaca de la Palma to be made.

To the unremitted efforts of Mr. Ingersoll it was owing that the long-vexed question in relation to the Pea Patch Island, of which the title is now finally declared to be in the United States, was put in a train for settlement.

He was among the number of those who adhered, through all the excitement of the time, to the opinion that the Oregon dispute was still a subject-matter of honorable compromise, and who never lost sight of that hope and object. He voted for the "Notice." [See title, STEPHEN A. DOUGLAS.]

He constantly took ground against the annexation of Texas, and claims to have been the first member of the House who asserted the principle that annexation was, *ipso facto*, war. In a speech delivered on the 4th of January, 1845, we find these sentiments expressed:

"A question had sometimes been made whether annexation with Texas would lead to war with Mexico. Mr. Ingersoll did not consider that to be a true statement of the case. Annexation with Texas was of itself, and of necessity, war with Mexico. How could it be otherwise? A war existed between these two countries. Whether civil or foreign in its nature, whether fiercely or sluggishly carried on, was not the point. Different assertions, and for different purposes, had been put forth. A rebellious province in the eyes of the parent country was an emancipated republic in its own. An extinguished war for purposes of *de facto* independence was a flagrant one for purposes of humane interposition and gratuitous protection. Whatever was its character, it must attach to the soil and the inhabitants, no matter what might be the flag under which they should march to battle. A mere change of colors did not convert an enemy and a belligerent into a neutral; otherwise it would be easy to escape the hazards of war. If Texas should become a part of the United States, that part kept alive the war in which it was engaged, and every part of the United States adopted

and assumed it. The right hand can not be at war and the left at peace, of the same body, at the same time. The only difference between the present and the possible state of things would be, that a distant, difficult, and almost inaccessible theater of war, narrow in its sphere, and without temptation in its objects, would become one of easy access and rich incitement.

"This nation has no right thus to expose the property or the lives of its citizens in such a quarrel. With a just cause of injured right, invaded territory, or insulted honor, it has felt no fear to encounter single-handed the mightiest power of the earth. The God of battles has not frowned upon the bold design. A causeless, voluntary war, founded upon interest or ambition, can not expect the sanction or the smiles of Heaven. Not even verbal indignity could be offered as a poor excuse. The first insult, in the late correspondence at least—that between Mr. Shannon and Mr. Rejon—came from our side; we, if not too wise and too well bred, ought to have been at least too proud and too politic to indulge in it. If money would purchase a doubtful title, why not pay it now? To buy property might be fair and just, but to buy off a provoked, though feeble enemy, was what could not be submitted to without disgrace."

During the twenty-ninth Congress, Mr. Ingersoll uniformly advocated the same principles. Believing that the war had been unnecessarily and wantonly begun on our part, he still did not feel justified in refusing supplies for armies in the field. He expressed his views fully toward the close of the session of 1846. "War," said he, "exists by constitutional authority; an authority exercised, indeed, most improvidently, but exercised and wielded, as I believe, by legislative inducement and sanction. I do not refer at all to that recent preamble of the 11th of May, as affording legislative sanction, which, constituting no part of the enacting clause, can neither give strength to it, nor take it away. I refer to that earlier and more significant legislative proceeding, the first resolution deliberately and willfuly passed by Congress, and approved March 1st, 1845."

After arguing that this act of annexation of Texas was "*casus belli*," and so received and treated by Mexico, he proceeded to show that this paper war became active by ordering our troops through disputed territory, partly occupied by a Mexican population, to the banks of the Rio Grande, without any

corresponding warlike exhibition on their part, and placing heavy cannon in battery on the edge of a narrow river, bearing, according to General Taylor's dispatches, "directly upon the public square of Matamoras, and within good range for demolishing the town." From the moment of actual collision and subsequent invasion of the Mexican territory, a question arose respecting the duty of the minority, who, believing that such a state of things might have been avoided, were called upon to determine whether they would give to further belligerent operations their official aid. War had then become flagrant. The troops of the United States had penetrated far into the interior of the country, and their situation might become more than critical, if not looked to with more than ordinary care. A bill providing appropriations for carrying on the war was reported. The Whig party was required to determine what it would do in that contingency. Mr. Ingersoll thought the *opposing* grounds taken by different individuals so distinctly marked, that it was scarcely possible there should be any mistake in relation to them. Positions were stated in both houses of Congress, of a precise and definite character. They might be summed up in a few words. It had been repeatedly declared by gentlemen of the minority, that in the existing state of things they would not vote a dollar for supplies, or add one more soldier to the force in Mexico. In this, he thought, there was no mere theory, no hypothesis, nothing of what ought to be done, or might be done, under circumstances in a greater or less degree different. Now Mr. Ingersoll always declared that he could not, and did not, concur in these sentiments. If the executive had done wrong in commencing active hostilities, and if, as he individually believed, a former Congress had done wrong in taking the first step toward war, the remedy was with the people. If disgrace and suffering should ensue from denying appropriations, he should not feel justified in that refusal, because of a possibility and a power to pervert the supplies in part to purposes of acquisition. Acquisition by war was to be deprecated, and he trusted that it might not be made. But there were evils greater even than acquisition, great as that was, and it became every friend of his country to use his exertions to avert them. In the course of his remarks on the occasion referred to, he said:

"Under these circumstances, it becomes a grave question, what is the duty of our friends on this side of the House? of those who, though in a minority which disqualifies them from the introduction, and takes from their shoulders much of the credit and responsibility of public measures, still have an important part to act. They have, at least, to guard the purity of an honored name. As a general rule, they are on the side of principle and their country; and if at this moment there be a difference on any question which presents those attributes arrayed against their opposites, I trust there never will be a doubt or hesitation where every true Whig will be found. In placing themselves within the pale, and under the panoply of a party which has always been ardent and devoted in the cause of freedom, they do but emulate the course of those virtuous men that have maintained the independence and honor of their country. According to Lord Bolingbroke, this was their character nearly two hundred years ago. It characterized them at their origin, and has gone along with their entire history. 'The Whig party,' says this writer, in his dissertation on parties, 'was called into being to *resist* the attempt of the king and his cabal *against the religion and liberty of the country.*' 'The power and majesty of the people, an original contract, the authority and independency of Parliaments, *liberty*, resistance, exclusion, abdication, deposition—these were ideas associated at that time to the idea of a Whig, and supposed by every Whig to be incommunicable, and inconsistent with the idea of a Tory.'

"There might be unnecessary severity in the application of the same eloquent author's remarks to the antagonist party of this day and nation. To that antagonist party he imputes at its origin principles which are certainly not so creditable.

"'Divine, hereditary, and indefeasable right,' says he, 'lineal succession, passive obedience, prerogative, non-resistance, slavery, nay, and sometimes popery too, were associated in many minds to the idea of a Tory, and deemed incommunicable, and inconsistent in the same manner with a Whig.'

"Such was the case in the beginning. Two hundred years have in political creeds made no difference. The same love of liberty and the country, its Constitution and laws, which distinguished the patriots in the days of the royal Charleses—the prerogative Stuarts; which assumed the shape of rebellion at

one period, and produced the revolution of 1688 at another, lived and flourished in the year 1776, and it continues to animate, inspire, and invigorate the same party in name and nature now.'"

Shortly before the close of the first session of the last Congress, Mr. Ingersoll made an effort, in which, however, he was not successful, to introduce the following joint resolutions, for the purpose of obtaining an expression of the opinion of the House:

"*Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled*, That at a period, and under circumstances when no liability exists to misconstruction of the measure, or danger of impeachment of the motives which induce it, a reasonable effort should be made, consistently with national dignity and honor, for the restoration of peace between the Republic of the United States and that of Mexico.

"*And be it further resolved*, That the Senate and House of Representatives respectfully recommend to the President that he offer, if in his judgment it be expedient, to open with Mexico a negotiation for the purpose of closing the present war, of stopping the effusion of human blood, and of providing a permanent and satisfactory arrangement of all subsisting differences.

"*And be it further resolved*, That the offer now recommended can not fail to produce (whatever may be its reception and immediate effect) ultimate consequences alike honorable to the country and beneficial to the cause of justice. If accepted in a spirit corresponding with that which prompts it, this nation will be restored to its natural progressive course of prosperity and happiness, and will secure to itself a sentiment of universal goodwill. If refused, from whatever cause the refusal may arise, the nation which assumes a responsibility so full of threatened wretchedness will deprive itself of every claim to the sympathies of the world; and this government and country will assume a position so lofty and so firm, that humanity itself will sanction a necessary continuance of the ravages of war.

"*And be it further resolved*, That no impediment exists to a communication with the government of Mexico, by reason either of hostilities between the two countries, or a disturbed state of public affairs in one of them. Intercourse may be opened, if necessary, from army to army, even at the point of the bayonet, or, with better hopes, through the amicable agency of a friendly foreign power."

On the subject of the Naturalization Laws, brought under discussion by resolutions of the Legislature of Massachusetts, asking such amendments as would protect the ballot-box and the elective franchise from abuses and frauds, we have understood Mr. Ingersoll as asserting both the power of Congress to make such amendments and the expediency of exercising it. These laws were enacted by Congress; no other tribunal, he has contended, could interfere with them. They were in daily use throughout the country. In the practical operation of them, errors were committed and frauds were perpetrated. This was a great and growing evil. It called loudly for redress. Redress could be effected in no other way than by an amendment of the laws themselves. While they remained, as they now stood, upon the national statute book, correction of abuses was hopeless. How, then, was a reformation, so loudly called for, to be brought about? State legislation could not effect it. All the sovereign states of the Union, combined in one strenuous and universal effort, could not add a section to the existing national code, or deprive it of any one of its provisions. Nothing human was competent to the object but an act of Congress.

This being the case, it was not easy, he thought, to discover an objection, in practice, to a compliance with the call made by the Legislature of Massachusetts. A sovereign state, suffering from a national law, in the exercise by its people of a high prerogative of freemen, asked the national lawgivers to amend it. Nothing could be more regular than the call—nothing more usual than a compliance with similar ones. If the evil were not imaginary, this was the proper, necessary mode of reaching it. Besides the practical necessity thus pointed out, an authority for the application, scarcely less operative, was to be found at hand in fundamental law. The Constitution declared that Congress might establish uniform laws of naturalization, and that it might alter any law that a state could make as to the time, place, and manner of electing representatives and senators (with a single exception). An American legislator would but vindicate the purposes of the Constitution of his country by asserting for it some control over the subject embraced in the Massachusetts resolutions. In the creation of citizens of the United States, State Legislatures could have no participation whatever. It was a power bestowed by

the people in their frame of government exclusively upon the Congress and the various federal and state courts acting under its authority. Some of the state constitutions, especially some of the new ones, had claimed a right to make citizens of the particular commonwealth; that is, to confer within its borders the elective franchise upon terms of residence, and otherwise, altogether different from those provided by the laws of the United States. So long as this prerogative was limited to the exercise of the right of suffrage on the particular spot, there might, perhaps, be no serious objection to it; but, beyond a very narrow range of power, it would be quite ineffectual. The term *citizen* had a national import. It contemplated, properly, neither municipal origin, nor a much wider local allegiance. It was coextensive with the republic. Mr. Ingersoll had been taught to believe, from high authority, that, strictly speaking, there was no such thing as the citizen of a state, although the term was frequently and familiarly used in legislation and out of it. A citizen, for example, of Pennsylvania, was a citizen of the United States residing in Pennsylvania. The term thus understood was sufficiently appropriate, and could do no harm. It prevented circumlocution, if it did no more. This was the doctrine he had learned from the lips of Judge Washington. To carry it further would be to disregard the provision of the Constitution which had been alluded to, and to substitute state power, in a particular so essentially and exclusively federal, for that of the general government.

An imperfect system of naturalization existed. Its arrangements were insufficient to prevent irregularities. Not an election occurred in crowded districts at which mutual complaints were not made by the respective parties of improprieties and frauds. If such reproaches were well founded, they proved a state of things which called loudly for reform. It was hoped that those abuses were not necessarily attendant on popular elections. If they were not, and if they were, indeed, but occasional excrescences which might be lopped off and pruned away, it was the duty of the patriot to seek the most effectual means of reformation. Even if they were, a no less solemn duty was imposed upon him to endeavor, by every practicable application of experience and wisdom, to lessen the evil. The object of the resolutions of the Legislature of Massachusetts was simply

to purify the ballot-box, to correct errors and abuses in existing systems, to carry out the spirit of the Constitution in all expedient and practicable purity, by rendering that uniform rule of naturalization which it conferred upon Congress the power to establish, wholesome in its exercise. All this must be effected, if at all, through the regular legal organs of the two houses of Congress, their committees on the judiciary. They were necessarily pioneers in this particular field of legislation. Laws now defective were to be amended, and plans of wisdom, heretofore inadequately accomplished, were to be better executed. Such was the design of the resolutions. A counter-proposition had been submitted, which contemplated something more extensive than the correction of errors and defects in existing laws, or abuses in the operation of them. It looked to a fundamental change, perhaps in the Constitution, and certainly in the laws themselves. It would not be contented with less than a wide enlargement of the term of probation now provided for the intended citizen, or, perhaps, in the not distant future, with any thing short of a total denial of the principle of adoption, and a positive restriction of the enjoyments of citizenship to those only who were of domestic birth. In support of this latter policy a new party had been created, and it was now, for the first time, the subject of distinct representation in the House. It not only aimed at a particular object, an attainment of which might be compatible with existing parties, but it sought separate organization, and a course of action distinct from that of either of the great political bodies which divided the country.

Rejecting the idea of the identity of this new organization with the Whig party, and to illustrate the exclusive tendencies of the former, Mr. Ingersoll playfully says,

"It will not be offensive to remark how carefully seats have been selected, as much as possible in a compact body, remote, as it were, from all association, except with each other. No such thing occurs with respect to the other political parties. They are brought together in amicable connection, and an intercourse at once useful in business and agreeable in the friendly feelings which it serves to foster, is preserved. For example, I find myself elbow to elbow with a friend and colleague (Mr. Thompson) from the remotest part of our common state, who is not more remote from me in local residence than party

sentiment. Immediately behind me, and almost in actual contact, sits another honored friend, the gentleman from Virginia (Mr. Atkinson), one of the alphas of the House, whose vote upon party questions it is only necessary for me to learn, and, by a sort of chemical antipathy, notwithstanding high personal respect, it might suffice, for the most part, to direct my own. With regard to all others, except the few who thus compose a party distinguished for local solitude as well as individual strength, it may be said, in the language of Eloisa,

> "'Turtles and doves, of varying hues unite,
> And glossy jet is paired with shining white.'

"Such is the social communion of Whigs and Democrats. They harmonize in every thing but political sentiment. Not so the third party, which stands aloof in voluntary seclusion, if not in proud distrust. It maintains a position like that which, in architecture, is said to enhance the magnificence of a Grecian temple; when placed, as it ought to be, on elevated ground, and gaining, by distance and unobstructed prospect, at once grandeur and distinctness for the view, it stands unmated and alone.

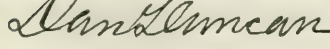
"In casting my eye around this diversified assembly, I am led to compare its human proportions and intellectual varieties with the natural phenomena described by travelers, as exhibited by that vast chain of mountains near the Pacific Ocean, in South America, which arise in successive plateaux, like so many huge, natural terraces, far above the clouds. Trees of the largest size and most luxuriant foliage grow and flourish upon some of those proud eminences of the Andes, and form, as it were, the basis of still loftier regions piled upon them. These are emblematic of the Whig party, always fresh in vigor, rich in patriotism, and rooted in the immovable basis of the Constitution. Among them one appears crowned with years and honors, green in the maturity and venerable in the dignity of age (Mr. Adams). Higher up, the mountain-trees become more numerous, but less firmly attached to the soil; not deeply planted, or standing in stern defiance of the fury of the elements, but moved and agitated by the passing breeze. These are emblems of a dominant majority, which yields conservative principle to its rivals, and professes and acts upon a different rule. Still higher up, above the level of perpetual snow, where no

other animated being is found, far above the habitation, and almost beyond the curious gaze of the most enterprising traveler, dwells that mightiest of winged animals, the condor, poised in mid air between the moon and earth, fixing its eye upon that cold planet of the night which astronomers assure us has no atmosphere, or none common to the rest of the system, flapping in interminable seclusion its ponderous and solitary wing."

Mr. Ingersoll is now serving at the head of the Committee on the Judiciary, the direction of whose business could not be committed to hands more capable.

In person he is tall and slender. As a debater, he is earnest, eloquent, and graceful, with a cast of mind and character more adapted, perhaps, to the highest order of forensic oratory, than to the excited and sometimes rude discussions of the House of Representatives. Science and the arts, knowledge and learning, in all their various branches, have found in him a liberal patron and an accomplished advocate. He is a widower, and has no living children.

DUNCAN, DANIEL—



A NEW member. He was born in the town of Shippensburg, Cumberland county, Pennsylvania, on the 22d of July, 1806. His great-grandfather, on the father's side, emigrated from Scotland, and was among the early settlers of Pennsylvania. From him and his brothers a large family has descended, some branches of which still remain in that state, while others are found in Louisiana, Mississippi, and Kentucky. His grandfather, on the mother's side, was Captain William Rippey, of the Revolutionary army, in the Pennsylvania line.

His father was a merchant. He died in Shippensburg, Cumberland county, Pennsylvania, when Daniel was about ten years old, leaving his mother with a large family in rather straitened circumstances. His oldest brother, William, received a commission in the army at the age of nineteen, at the breaking out of the war of 1812. At its termination he had been promoted to the post of captain, and was retained on the peace establishment. He died about the year 1817, still holding his commission.

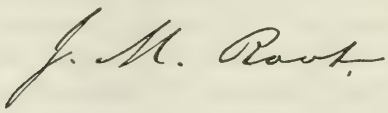
At the death of his father, Daniel left home with an older brother, John R., under the direction of an old friend, to seek their fortunes in that land of promise, the West. His brother entered a store in Columbus, Ohio, while *he* entered one in Lancaster. His brother continued in the mercantile business until the late requisition for the ten regiments, when he raised a company of cavalry which was mustered into the service of the United States, and took its departure for Mexico. He is unmarried, and left a prosperous business to follow the bent of his own inclination in a more adventurous field. The youngest of two sisters of these gentlemen is the wife of Senator Hannegan, of Indiana.

Daniel pursued the mercantile business with considerable success, and has made himself independent, at least. He is indebted to no one for aid in life, and has depended on his own exertions for a livelihood since he was ten years old. In 1843 he was elected to the State Legislature from Licking county. He was the first Whig ever elected from it; for it had previously given a regular Democratic majority of eight to twelve hundred. While in the Legislature, he took an active part in its business. He was the first to introduce a bill for an *ad valorem* system of taxation in the State of Ohio. The bill passed the Lower House, of which he was a member, but was lost in the Senate. It was, however, taken up, in all its essential features, by a succeeding Legislature, and is now a law of the state. He also introduced a bill to establish a general banking law, which met the same fate. He also introduced, and succeeded in procuring the passage of, a bill reducing the pay of members of the Legislature from *three* to *two* dollars per diem, and retrenching generally and largely the expenses of the state. At the Whig convention which assembled in the city of Columbus in February, 1844, he received a respectable vote for the nomination of governor. In the same year he was the Whig candidate for State Senator, but, under the high political excitement of the presidential contest, he was defeated with his party. In 1846 he was nominated as the candidate of the Whig party to represent the tenth Congressional District of Ohio, and defeated his opponent, reducing the original Democratic majority of Licking county from twelve hundred to one hundred and fifty.

He has always acted with the Whig party except on the question of a United States Bank, which institution he deemed unnecessary. He has been actively employed through life—a man of action rather than of words. He has given much of the leisure of maturer life to Latin and Greek studies, as well as to history and the lighter literature of the day. He married the daughter of Colonel Daniel Convers, of Zanesville, Ohio, one of the pioneers of the West; and has four children living.

In person he is about the medium height, of light complexion, and hair, originally red, sprinkled prematurely with white.

ROOT, JOSEPH MOSELEY.



OUR information in regard to the early career of this gentleman is very limited. He was born on the 7th of October, 1807, at Brutus, Cayuga county, New York. He read law with Messrs. Hulbert and Smith, of Auburn, and removed to Ohio in 1829. He was admitted to the bar in the following year. In 1835 he was married to Mary S. Buckingham, daughter of John Buckingham, formerly of the Wyoming Valley, but now of Ohio, a retired merchant; and has four daughters living. In 1837 he was chosen prosecuting attorney of Huron county, and in 1840 was sent to the State Senate. In 1844 he was elected to the House of Representatives of the United States from the twenty-first district of Ohio, composed of the counties of Medina, Lorain, Huron, and Erie; and he was re-elected in 1846. He says "he has always been a Whig."

He is a stout, well-made gentleman, about the medium height, with a very earnest manner, and a peculiar intonation of voice. Gifted with strong natural powers of mind, and a determination of purpose proof apparently against all external influences, few men seem actuated by a sterner sense of right, or a more conscientious devotion to the requirements of public duty. His course as a member of the twenty-ninth Congress was signalized by uniform and unrelenting opposition to the Mexican war. He is one of the number known as "the immortal fourteen" who voted against the Declaratory Act of the 13th of May. [See title, ROBERT C. WINTHROP.] Speaking of that act, he said,

"I voted against it—against its false and sniveling preamble, its vague and slavish appropriation of money, and its barbarous spirit: I voted against all. I was willing to appropri-

ate any required amount of money to pay for succors that I hope have reached, or may reach, General Taylor's army in time to rescue it from the imminent peril into which it has been brought by the blundering temerity of the executive; but that bill could afford no relief to the army, for it was quite obvious that the fate of the army, for weal or for wo, would be fixed irrevocably before a musket or a dollar appropriated by the bill could reach it. The bill did not contemplate relief to Taylor's army: its object was war; and, sir, if by any vote of mine I could have endorsed its falsehoods, or sanctioned the usurpation by the executive of the constitutional power of Congress, as you have done by enacting that bill into a law, I should feel that I deserve all the odium that some of your friends on this floor would have me believe awaits me."

In every subsequent stage of its progress he has opposed and denounced the war. The sincerity of this opposition he has manifested at times and under circumstances when the nerves of ordinary men might have quailed. He has shown himself equal in all respects to the responsibility he has assumed. Denying the existence of just cause of war, he asked,

"Had we good cause for the war against Mexico at the time of its commencement? Sir, I invoke the scrutiny of the Searcher of hearts when I declare that I believe we had not. It may be that I hold extreme opinions on this point. I confess that I regard war as so dreadful a curse, so unconditionally condemned by the Christian religion, by Christ's own words and example, that nothing short of the sternest necessity can justify it in my opinion."

He has denounced its objects and purposes, which he believes from the outset to have been conquest and aggrandizement, in terms of bitterness and sarcasm measured only by an ever-present recollection of what was due to parliamentary decorum. Its authors have fared no better at his hands. He has literally "fed them with wormwood, and made them drink the waters of gall." In its inception and its consequences he regards the contest as altogether fraught with evil to the country, and these convictions he has on all appropriate occasions avowed. We never saw the feelings of the House more wrought upon than when, speaking of the proposition to take Mexican territory by way of indemnity for the expenses of the war, he said,

"Do you intend to charge Mexico merely with the money and property that you expend and lose, or do you mean to debit her also with the men you lose? Will you take strict account of the dollars paid out, the vessels lost and damaged, the horses killed and foundered, and say nothing of the brave fellows who fall before the cannon and the pestilence? I do not believe that you mean to make any account of them. If you did, you would keep a better account of them. You would take more pains to ascertain who fall in battle, who die in the hospitals, who are missing. But, sir, if I am in error, if you do intend to charge something for them, how much will it be? How much land?" [A voice, "One hundred and sixty acres."] "That will not do, sir. The question ought not to be submitted to this House; it is not fit to decide it. Go ask the childless mother, go ask the widowed wife, go ask the orphan children of one of those poor fellows how much Mexican land he was worth. I will abide their decision. Sir, if you charge Mexico with the men we have already lost, you will have a claim large enough to take all her territory, though it were ten times as broad as it is. No, sir, Mexico is not able to pay for them; yet they must be paid for, every man of them, and at their full value, and you must do it—ay, you! the authors and promoters of this war; and though their kindred may not be able to bring you to account, be assured that He, without whose knowledge not a sparrow falleth to the ground, will.

"Mexico may not submit readily to your demands, and, if she does not, what will you do? go on conquering her departments and slaughtering her citizens? Suppose you do, and suppose that you drive the last remnant of her people within the walls of her last city; suppose that, when you offer 'capitulation,' she should have enough of the old Castilian spirit left to reply, 'War to the knife!' and her priests should divest themselves of their sacerdotal robes, and hallow the defensive war by their participation as well as by their prayers; and her daughters should cast their golden ornaments into the crucible to come forth bullets, and themselves help to speed them to the hearts of our countrymen, telling them, in derision, to take freely what they so much covet—I repeat, what will you do? Will you exterminate the Mexican race, without regard to age, sex, or condition? Will you make the land desolate, that you

may take it to yourself? When you contemplate these things, do you ever remember that God is just?"

And again, in the same speech:

"Mr. Chairman, when you come to annex the conquered territory to the United States, another question will have to be considered and decided: shall it be free, or shall it be slave territory? And here, and now, I propose to say something on this question. I shall, I trust, speak with candor, but I mean to speak with freedom. So long as you confined this question of slavery to the states, I admit that Congress could rightfully have nothing to do with it; but, sir, you have not kept it there. You have brought it here, and made it one of national concernment. It lies at the foundation, and enters into every part of the superstructure of this war, and I do not feel called upon to make any excuses for discussing it, so far as it is connected with the subject in hand. The people of most (I will not say all) of the free states are resolved to prevent the annexation to this Union of any more slave territory, if they can. You may call it fanaticism, or treason, or, what some gentlemen seem to regard as worse than either, federalism, it will not change their determination, nor distract them on this question. They will be united as one man, and they expect their representatives to carry out their views in good faith. When the question of annexing more slave territory comes before this House, Northern representatives must be here. It will not do to be sick, nor to have a family sick, nor to go abroad on business then. They must be here in their places, and they must vote, and they must vote right. They must disregard the 'gag.' They must disregard the 'organ.' They must disregard the 'party.' Woe to the Northern representative who shall prove recreant, or falter on that question. Mr. Polk has not a land-office so far in the wilderness, a sub-treasury so deep and strong, nor a mission so distant, as that it will protect him from the wrath of his constituents. It will follow him to his grave, and his children to the fourth generation."

The question was mooted by Mr. Sawyer, in a discussion in the House, whether the constituents of Mr. Root had sustained him in his opposition to the war. In 1844, the date of his first election to Congress, he received about five hundred more votes than his Democratic competitor; but as the "Liberty"

candidate received about one thousand, Mr. Root did not get a *majority* of the votes cast in his district. In 1846, the date of his last election, there were about nine hundred and seventy more votes given for him than for the Democratic candidate, the "Liberty" candidate receiving about fifteen hundred. On this state of facts, Mr. Sawyer insisted that Mr. Root's constituents had not sustained his course on the war. This declaration led to an inquiry by Mr. Giddings (Mr. Root not being, at the moment, in his seat), whether Mr. Sawyer supposed that the "Liberty" men, who had voted for their own candidate, were in favor of the war. Mr. Sawyer replied that he presumed they were not, but that they and Mr. Root were alike opposed to it.

At the present session Mr. Root has been appointed by the speaker chairman of two committees—the Committee on the Post-office and Post-roads, and the Committee on Expenditures in the Treasury Department.

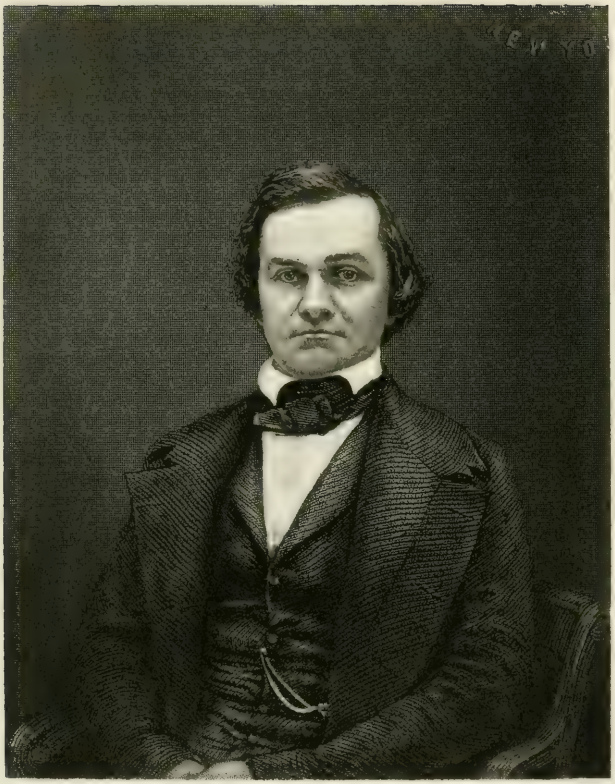
DOUGLAS, STEPHEN ARNOLD (Senator).

THE State of Illinois has recently elevated this gentleman to a seat in the Senate of the United States. If perfect fidelity to his constituents, to his state, and to the Democratic cause, sustained by an ability which all must concede, and an energy which has never drooped, may constitute a passport to the distinguished body of which he is a member, no man can exhibit a more respectable title. Our own knowledge of him is confined almost entirely to the House of Representatives, in which connection, mainly, it now becomes our duty to speak of him.

He was born in the town of Brandon, Rutland county, Vermont, on the 23d of April, 1813. His father, Doctor Stephen A. Douglas, was a native of Rensselaer county, New York, and removed with his father's family to the State of Vermont in early life. He was educated at Middlebury College, and became a physician of considerable eminence. He died on the 1st of July, 1813, suddenly, of apoplexy, leaving two children—a daughter twenty months old, and Stephen A., then little over two months old.

His mother, Sally Fisk, was the daughter of an extensive farmer in Brandon. On the death of her husband, she removed with her children to a farm which she and an unmarried brother had inherited from their father. This brother was a bachelor, and was supposed to entertain a mortal aversion to the whole female race, with the solitary exception of his favorite sister, whose bereavement had induced her to rejoin him in the old family mansion.

For many years the brother and sister, with the two children, whom the former had already adopted as his own, designing to make them heirs of his entire estate, lived in seclusion and contentment in the beautiful valley of the Green Mountains, practicing the most rigid economy and industry for the purpose of insuring a liberal competency to those favorite children. The value of the property was enhanced every succeeding year, and



S. A. Douglas

the prospects of the children became constantly more promising.

After the lapse of about fourteen years, the eccentric bachelor uncle took it into his head that he had worked hard enough, and made money enough, to afford to take a little recreation, and make a visit to some relatives in the western part of New York, whom he had not seen for nearly a quarter of a century. In a few months he returned, and introduced to his sister and adopted children a young and beautiful wife, who became a great favorite with the family.

Time rolled on, and in the fourth quarter of the ensuing year the wife presented her devoted husband with a son. About the same time, as the future will reveal, the sun of the adopted children's hopes set in darkness.

Stephen A. Douglas was at this time about fifteen years of age. He had received a good common-school education, and thought that the period had arrived when he ought to prepare himself for college, according to the understanding which was well known to exist in the family. After consultation with his mother, application was made to his good old uncle to send him to the academy preparatory to entering college. The old gentleman seemed instantly confounded. He hesitated, stammered, and then, in the most affectionate manner, told his nephew how much he loved him—how anxious he had been to provide for his education, and even to give him his entire fortune; but added that he was really *too poor*. Besides, he said, he had a family of his own, for which, by the laws of nature, he was compelled to provide. He therefore advised his nephew to abandon the foolish idea of going to college, where he would only form habits of idleness and dissipation, and urged him to remain with him on the farm, assuring him that he would treat him kindly, and do well by him in the end.

For the first time, the eyes of the youth were opened to his true condition in life. His dreams had faded, his hopes were blasted, the fortune was gone, and, with it, the means of procuring an education. The farm, stock, improvements, the land which had been purchased, and the profits for fifteen years, were all held in his uncle's name. Of course, they were his. True, his mother still had a farm in the neighborhood, the soil of which was nearly worn out, and the improvements gone to

ruin. This would hardly yield enough to support her and her daughter.

In this condition of affairs, he resolved immediately to leave his uncle, whom, he says, he still loved, because of his continued kindness to his mother and sister, and to rely upon his own exertions. With the reluctant and almost extorted consent of his mother, he went to Middlebury, and entered the shop of Nahum Parker as an apprentice to the cabinet business. Having been raised on a farm, and accustomed to the most regular habits of industry, he found the labors of the shop in no degree irksome or fatiguing. Gifted with no inconsiderable mechanical genius, he found his occupation agreeable to his tastes; and has often been heard to say, since in Congress, that his happiest days had been spent in the workshop, and that the bitterest hour of his life was that in which the loss of health compelled him to leave it. He remained with Mr. Parker some six or eight months, devoting himself closely to his business, and making a rapid proficiency in the "art" of the trade. He gave entire satisfaction to his employer, and is believed to have been a great favorite with his brother apprentices. He was himself well pleased with his situation; but a misunderstanding arose between him and his employer in consequence of being required to perform certain services, which he considered *menial*, but which the latter insisted it was usual to require the youngest apprentice to perform.

Unable to reconcile this difference, the youth gave his employer notice that he should leave him, and accordingly did so. He makes no other complaint of Mr. Parker than that which we have noticed, and speaks of him in terms of kindness as a worthy and respectable citizen.

Being devoted to the trade which he had selected as the business of his life, the apprentice boy immediately returned to his native town, and entered the cabinet shop of Deacon Caleb Knowlton, with whom he remained nearly a year, and would have continued until he attained his majority if his health had permitted. During the last two months of the time he was employed in making French bedsteads of curled maple, a very hard labor, which proved too severe for his delicate constitution. Failing health compelled him to leave the shop; a step which he took under the advice of his employer, and with the under-

standing that he should return as soon as his health should be restored. In the mean time he became a student in the Brandon Academy, under the superintendence of J. N. Chipman, where he remained one year. Finding his health but slightly improved, it was agreed between Deacon Knowlton and himself that he should not return to the shop, as it was now certain that he would never be able to follow the trade as a permanent occupation; and, upon the advice of friends, he determined to revive his original plan of securing an education, and devoting himself to a profession.

His sister, to whom he was greatly attached, had, in the mean time, been married to Julius N. Granger, and moved to Ontario county, New York. About this period his mother was married to Gehazi Granger, father of Julius, and moved to the same place, where the family now resides. Stephen accompanied her to New York, and immediately became a student in the Canandaigua Academy, then, as now, under the superintendence of that deservedly popular and distinguished teacher, Professor Henry Howe, where he continued to pursue his classical studies until the spring of 1833. He also entered the law office of the Messrs. Hubbell, of Canandaigua, and pursued his law studies at the same time that he kept up his academical course. During this time his mind evinced that strong inclination toward politics which has marked the greater portion of his subsequent career. Indeed, even while an apprentice boy at Middlebury, during the canvass of Jackson and Adams in 1828, he is known to have been a very enthusiastic admirer of the former, and, in company with several other boys who participated in the same feeling, was very conspicuous and active on election day in tearing down the "coffin handbills" which the boys of the opposition were posting upon the houses and other conspicuous places in all parts of the town. The result of this youthful struggle was, that, after many a severe conflict, none of the handbills, when the day closed, were to be seen in the town. Soon afterward he became a warm supporter of the principles and measures of General Jackson's administration, advocated his re-election to the presidency, and was identified with the Democratic party of the town in their political organization and meetings.

In the spring of 1833 he turned his footsteps toward the

great West, in search of a more favorable location for the practice of the profession, in the study of which he had already made some progress. He landed at Cleveland, Ohio, where he presented several letters of introduction. Among them was one to S. J. Andrews, a lawyer of some distinction, and since that time a member of Congress. In a few days he had the good luck to make an arrangement with Mr. Andrews, by which he was to study in his office for one year, rendering him such assistance in writing and preparing office papers as he should require; and at the end of that time, when, according to the law of Ohio, he would be entitled to a license, he was to be associated with Mr. Andrews in business. This arrangement seemed exceedingly favorable, and held out a bright prospect for the future. Mr. Douglas had left home for the purpose of establishing himself well in business, and had avowed his determination never to return until he had accomplished this object. Success seemed to have crowned his efforts almost in advance, and he was astonished at his own good fortune. But in one week more he found himself prostrate with the rheumatism, and in another with the bilious fever. Between the two diseases he was confined to his bed the entire summer, and at one time with little hope of life. The frosts of winter, however, revived him. Still feeble, nearly out of money, living in dread of the return of the fever in the spring, the prospect was gloomy, and well calculated to turn his thoughts, and even his footsteps, toward home, where an anxious welcome awaited him. But there, before him, rose up his avowed purpose not to return until he should have accomplished the object of his mission!

At length he left Cleveland in search of a resting-place, he knew not where. He found himself successively at Cincinnati, Louisville, St. Louis, and Jacksonville, Illinois. His health was now nearly restored, and necessity compelled him to seek some employment in order to pay his current expenses. Feeling that labor was honorable, he was ready to engage in any respectable pursuit. The only one which seemed to promise any success in relieving his immediate necessities was that of a common-school teacher. Acting upon this idea, he started out into the country in search of a school, and one afternoon walked into the little town of Winchester, situated about six-

teen miles from Jacksonville. A youth of twenty years, in a strange land, fifteen hundred miles from home, in feeble health, without friends, and with but thirty-seven and a half cents in his pocket, it might be supposed that his situation was embarrassing; but he says it was not so. His spirits were never more buoyant. The morning after his arrival, and before his name was even known to a human being, he went out in search of employment, and, discovering a large number of persons assembled in the public square of the village, dressed in the real frontier style, his curiosity naturally led him to approach a scene so novel. The object of the assemblage was soon explained. A merchant in the place had recently died, and the people had assembled to attend the auction sale of his goods. The administrator was present with his auctioneer, and all the arrangements for the grand auction were completed, except that a clerk was wanting to keep the account of sale. The hour had arrived, the people were waiting impatiently, bidders plenty were present, but all business was suspended for want of a clerk, a man who could write a plain hand, add up figures, and keep the accounts. There lay the difficulty.

At length the eyes of the multitude were directed toward the young stranger, and the administrator, approaching him in the most respectful manner, explained his embarrassing situation, solicited him to consent to become clerk of the auction, adding that, besides remunerating him well for his services, he would consider the act a personal favor to himself and to the people present.

After some hesitation and much solicitation, Mr. Douglas was duly installed clerk of the auction, with a salary of two dollars per day, and performed his duties to the perfect satisfaction of the people for the three days of the sale. This was a glorious beginning; only three days in town, with six dollars in his pocket, and numerous friends sounding his praises, and urging him to remain among them!

He had made known his wish to obtain a school with forty scholars, at three dollars a quarter each. This object was secured, and the arrangements were all made for commencing on the following Monday. Accordingly, on the first Monday of December, 1833, he entered upon his duties as a school teacher. His evenings he devoted to the study of some old law books,

which he had borrowed of a friend in Jacksonville; and frequently, on Saturday afternoon, was employed in cases before the justice of the peace of the town. The proceeds of his school and law practice, during the three months for which he had engaged himself, were sufficient to enable him to open an office, and begin the practice of his profession in the higher courts. This he did in the month of March, 1834, having obtained license for that purpose, after examination, from the judges of the Supreme Court.

His first efforts in his profession were remarkably successful in securing and conducting business. This may be inferred from the fact that, in less than one year, he was elected, by a joint vote of the two houses of the Legislature, State's Attorney, over the lamented Colonel John J. Hardin, who gloriously gave his life to his country on the memorable field of Buena Vista. Be the grave of the soldier honored forever!

The duties of this office imposed upon Mr. Douglas the highest responsibilities. As the public prosecutor in all criminal cases, he was necessarily brought in immediate contact and collision with the first lawyers of the state. At this time, and in this office, he laid the foundation of whatever reputation he may since have attained in his own state as a lawyer and jurist. His extreme youth, being but in his twenty-second year, and his comparative inexperience, warned him of the necessity of the most untiring and systematic application to his books; and his great success in the most important criminal as well as civil cases, against learned and able competitors, gave him confidence that application, energy, and industry would eventually triumph over obstacles which seemed almost insurmountable.

He resigned the office of State's Attorney in December, 1836, to accept a seat in the Legislature of his state, to which he had been elected by the people of the county in which he resided. The canvass preceding this election was attended by an unusual degree of political excitement, and was conducted with great energy by the opposing candidates. The county of Morgan was the largest in the state, nearly equally divided in politics, and sent six representatives to the Legislature. Mr. Douglas, in the first instance, declined the nomination tendered by the convention of his party, preferring to retain the office of State's Attorney, and to devote himself exclusively to his pro-

fession, assuring his friends, however, that he would attend the public meetings, and render the Democratic cause and candidate the same aid that he would be able to render if he were himself on the ticket. In consequence of his earnest solicitations, a full ticket was presented to the people without his name. The Whigs presented a strong ticket of their best men, with the popular name of John J. Hardin at its head. The appearance of Mr. Douglas on the stump, as the champion of the Democracy, in support of a ticket which did not contain his name, was calculated to produce a prejudice against himself as well as his party, and to create the impression on the minds of the people that the Democratic candidates were incompetent to the defense of themselves and their cause. Besides, it was frequently intimated, and sometimes openly said, that Mr. Douglas, who had succeeded in defeating Colonel Hardin before the Legislature, dare not run against him before the people of the county in which they both resided. These considerations led to a reorganization of the Democratic ticket, by which one of the candidates declined, and the name of Douglas was substituted in his place.

This arrangement placed the names of Douglas and Hardin at the head of their respective tickets, and produced one of the most exciting and interesting contests ever known in the state. Each took the ground distinctly and boldly, that he did not desire an election himself unless by the complete triumph of his party, in which the entire ticket should also be elected. In this, however, they were both disappointed to some extent; for, when the votes were counted, it was ascertained that Mr. Douglas, and all the Democratic candidates save one, were elected, but that Colonel Hardin had beaten the lowest Democratic candidate, and was also elected. This canvass, and the courteous manner in which it was conducted by the two leading spirits, laid the foundation of a personal friendship between them, which continued uninterrupted, and grew stronger until the hour of the colonel's death.

On the first Monday in December, 1836, Mr. Douglas took his seat as a member of the House of Representatives of his adopted state—the youngest member of the body. It was a very important session; perhaps more so, in its consequences, than any that had occurred in the annals of the state. The

same causes which had produced the wild mania of speculation, over-banking, and over-trading in other states, had pervaded the whole West, and were then in active operation in Illinois. The banking capital of the state was more than doubled during that session; the number of banking houses were increased, and their powers and privileges extended in the same proportion. The state became a joint partner in these institutions, and subscribed more than one half of the capital stock, while the individual stockholders retained the preponderance of power in all the directories. The banks were made the fiscal agents of the state in receiving, keeping, and disbursing the revenues and school fund of the state, and, in short, the alliance of bank and state was complete. Mr. Douglas opposed the entire system: he opposed the increase of the capital stock; the subscription on the part of the state; the increase of the number of branches and offices of discount, two of which were, by the law, located in his own town; opposed the union of bank and state, and, in short, opposed the creation of all new banks, and all extensions of the powers and privileges of the old ones. His principles and course of action on these matters were radical and inflexible. He was overruled by decided majorities in both branches of the Legislature, and the new system went into operation about February, 1837.

It is not our province to enter upon a discussion of the wisdom or propriety of those measures. Our *only* business is with facts, leaving the reader to his own conclusions.

All the banks in Illinois suspended specie payments in May of the same year, about three months after these laws had gone into operation. Their paper subsequently depreciated sixty cents on the dollar; and, after the banks had remained in a state of suspension some four or five years, their charters were repealed, and their business was ordered to be wound up by an act of the Legislature.

Next to the banking system, the question of internal improvements was the most important that came before the Legislature during that session. The state had previously undertaken and commenced the construction of the Illinois and Michigan Canal—one of the most magnificent works of the kind in the Union—connecting the line of northern lakes at Chicago with the navigable waters of the Illinois and Missis-

sippi Rivers. Mr. Douglas was an active and zealous supporter of this great work, and took a deeper interest in its success than in any other measure before the Legislature. The friends of the work were nearly equally divided into two parties, advocating different plans for accomplishing the same end. The one supported the plan of feeding the canal with the waters of Lake Michigan, by a deep excavation some thirty miles through the dividing ridge which separates the waters flowing into the St. Lawrence from those flowing into the Mississippi and Gulf of Mexico, and running the canal parallel with, and on, the immediate banks of the Illinois River to Peru, its present termination, instead of improving the navigation of the river for steamboats that distance by locks and dams. The other party advocated a canal upon the surface across the dividing ridge, supplied in the usual mode from the adjacent streams, and the improvement of the Illinois River by locks and dams for steamboats. It was admitted at that time, and is not, we believe, questioned at this day, that the latter plan would cost three millions of dollars less than the former, and could be constructed several years sooner. This latter plan, known as the "slack and shallow cut," in contradistinction to the "old deep-cut" plan, Mr. Douglas supported. Some of the ablest speeches of his life are said to have been made upon this question; and he held a majority of the House in favor of his plan for about six weeks, while a majority of the Senate adhered firmly to the other. Finding that this difference of opinion among the friends of the measure might hazard its success in any shape, a few members yielded their preferences, and the favorite plan of Mr. Douglas was defeated. The other plan, after having undergone some important modifications by a committee, of which he was a member, was adopted. It received his vote, because he preferred that plan to the loss of the measure. Under this law, the work proceeded for several years, until the resources and credit of the state failed, when it was suspended for want of means. It has since been revived by an arrangement between the state and its creditors. The "deep-cut" plan was immediately abandoned, as unwise and impracticable in the present condition of the state finances. We have reason to believe, upon the authority of one holding a position which gives sanction to what he may say, that that part of Mr. Douglas's plan

which proposed to lock and dam the Illinois River would have been adopted, if the work had not been so nearly finished on that part of the line.

His course on this question, however, rendered him for several years very unpopular in that section of the state through which the canal runs, and lost him many votes for Congress two years afterward. The people there opposed him at that time as violently as they have since cordially approved his course. They now believe that if his opinions had prevailed in 1836, this great work would have been long since finished, and the state relieved from much of its embarrassment. They have since done him justice by giving him their unanimous support in his election last year to the Senate of the United States.

During the same session, the great Illinois rail-road system was adopted. It was the era of grand and magnificent projects, and the mania seems to have pervaded the whole people as well as legislatures and city councils. The people of Illinois demanded a general system of internal improvements. Two plans were presented to the Legislature. The one provided that the state should subscribe one third or one half of the stock in all companies which had been or should be chartered by the Legislature, and that individuals should subscribe the other half or two thirds, as the case might be, and should have the controlling power in the companies. A list of the companies in existence, and pending before that Legislature, for internal improvements, shows an aggregate capital stock of more than fifty millions of dollars; the corporators were authorized to organize their respective companies by paying from one to five dollars on a share of one hundred dollars, and could then have called upon the state for its subscription. It was objected to this plan that the state would furnish all the money without the power to control its application. The other plan proposed that the state should make, own, and control the works. Mr. Douglas supported the last of these plans, and early in the session proposed a series of resolutions indicating his individual views upon the subject. They are as follows:

1st. That the Legislature should provide for a general system of internal improvements, to be constructed and owned by the state.

2d. That the system be composed of the following works:

1. The completion of the Illinois and Michigan Canal.

2. The northern cross rail-road, from Quincy on the Mississippi River, to the Indiana line in the direction of Lafayette.

3. The central rail-road, from the mouth of the Ohio to Galena.

4. That surveys and estimates should be made of such other works as should be deemed advisable, to be reported to a subsequent session of the Legislature for future action.

The plan adopted differs from the one proposed in this respect, that all the rail-roads were to be commenced and prosecuted at once, instead of confining the resources of the soil to two roads, and making surveys and estimates to enlighten future legislation as to the numerous others.

Mr. Douglas, then, proposed to finish the canal, make two rail-roads, and provide surveys and estimates on the other routes for the information of subsequent legislatures. But, instead of two, a bill was reported for eight rail-roads, all to be commenced and prosecuted at the same time. They were all embodied in one bill, and must all have been adopted or all rejected. He stood pledged to his constituents to support a general system of internal improvements, and was, moreover, instructed to support the bill before the House, notwithstanding his individual opinions as expressed in his resolutions. The bill, which was adopted by an overwhelming majority, received his vote.

Besides these leading questions, Mr. Douglas took a prominent part in the general legislation. He was chairman of the Committee on Petitions, which was one of the most laborious in the House.

Soon after the adjournment of the Legislature, he received a commission from the President of the United States, appointing him, by the advice of the Senate, Register of the Land-office at Springfield, Illinois. He had not been an applicant for the office, and hesitated some time before accepting it. He was anxious to return to his profession, and make that the business of his life among the people who had received him so kindly when a stranger, and had honored him with their confidence by making him their representative. The advice of his friends, that to accept the office would promote his pecuniary interests, without materially interfering with his professional business, and would, at the same time, enable him to serve his

old friends in a different capacity, at length prevailed, and he entered upon the discharge of his new duties in April, 1837. He retained this office for two years, and then resigned for the purpose of devoting himself exclusively to his profession.

In the mean time, however, he had again become actively engaged in politics. The paper system had exploded; the banks throughout the Union were in a state of suspension; credit was destroyed; and pecuniary embarrassment and bankruptcy seemed to threaten all classes. The President of the United States, Mr. Van Buren, convened an extra session of Congress, and proposed his well-known measure for "divorcing" the government from all banking institutions, called the Sub Treasury, or Independent Treasury. The principles of this measure harmonized with the previous opinions of Mr. Douglas. But a few months before, he had strenuously advocated the same principles in the Legislature of his own state, and had there struggled, as we have seen, not only against a vicious banking system, but especially against the union of bank and state. His own previous convictions were strengthened by results, and he became at once the warm advocate of the great "divorce measure." The history of that period is familiar to our readers. Panic and dismay pervaded the Democratic party throughout the Union. Mr. Van Buren, who had been elected by a triumphant majority, backed by large majorities in both houses of Congress, found himself, in less than one year, in a hopeless minority. The entire delegation in the lower house of Congress from Illinois, with many other leading men of the party in different portions of the Union, abandoned the administration on this question, and allied themselves with the opposition. The political horizon never looked darker, especially in that part of Illinois in which Mr. Douglas resided, where it was supposed that the Whigs would certainly elect their candidate for Congress by an immense majority. Under these circumstances, he again entered the political arena. In November, 1837, he was nominated by a convention of his party the Democratic candidate for Congress at the election to be held on the first Monday in August, 1838. At the time of his nomination he was ineligible, not being of the age of twenty-five years; but he attained that age before the day of election arrived. He accepted the nomination with no confident expectation of being

elected, but with the hope of consolidating and strengthening the party in future elections. The canvass was conducted in true Western style, with extraordinary energy. For nearly five months the candidates were constantly riding through the district, addressing the people every day except Sundays. The district was the largest in the United States, owing to the vast tide of emigration setting in; and when the votes were counted, it was decided that out of more than thirty-six thousand cast, Mr. Stuart, the Whig candidate, was elected over Mr. Douglas by five votes. In explanation, however, of this result, it is proper to state, that some of the votes cast for Mr. Douglas were rejected by the board of canvassers, in consequence of an error in the spelling of his name. Had these votes been counted for him, or had all the misspelling on both sides been rejected, Mr. Douglas believes that he would have had a majority. His friends were anxious that he should have contested the election, but this he declined to do on the ground that he was unwilling to trouble Congress with a question so tedious and vexatious, especially when he could not reasonably have hoped for a decision during the term for which he claimed to have been elected, because there were already two cases of contested elections pending before the House, the celebrated New Jersey case, and that of Ingersoll and Naylor, of Philadelphia. Although deprived of his seat in Congress, he made a great deal of character and popularity out of the canvass. Such a defeat was considered by his friends as a great triumph, especially in view of the fact that the same district at the next election gave General Harrison a majority of more than three thousand votes over Mr. Van Buren.

The election being over, Mr. Douglas again returned to his profession, to which he bent all his energies until the spring of 1840, when he laid aside all other business, and devoted his time exclusively, from the 1st of April until the 1st of November, to the presidential campaign. He had long since resigned the office he held under the government, was not a candidate for any office himself, and had no other interest in the result of the election than that which was common to any other citizen of the republic. For seven months he traversed the state, attending political meetings, and addressing the people, upon an average, once a day during the entire period. These efforts se-

riously impaired his health; but he could not be prevailed upon to abandon the field until the day of election. It is known that the state, which had been confidently relied upon for Harrison and Tyler, gave Van Buren and Johnson a handsome majority, and maintained its Democratic ascendency in the state government.

When the Legislature met in December of that year, Mr. Douglas was appointed by the governor, and confirmed by the Senate, Secretary of State, and immediately entered on the duties of the office.

In February, 1841, he was elected by a joint vote of the two houses of the Legislature a judge of the Supreme Court, without desiring the office or having been a candidate for it. He accepted it with great reluctance. He was not yet twenty-eight years of age; was holding an office, the emoluments of which were equal to that of the judgeship, and whose duties did not materially interfere with his professional practice, besides giving him the custody and use of the State Library. He submitted, however, to the pecuniary sacrifice, and entered upon the discharge of his judicial duties, taking leave, as he then supposed forever, of political life. His judicial duties were very arduous, confining him to the court-room at least ten months out of twelve, and of course occupying his entire time in the trial of causes, the examination of authorities, and the preparation of opinions. The reports of the Supreme Court of Illinois will attest with what fidelity and ability he discharged these arduous and responsible duties.

In the spring and summer of 1843, his constitution became so much impaired by his excessive labors, that he became apprehensive that he would be compelled to abandon the idea of a judicial life, to which he had become much attached, and engage in some more active employment that would give him exercise in the open air. His physicians advised him to this course, and about the same time his friends tendered him a nomination for Congress, and actually nominated him in several county meetings. But he promptly declined the nomination, and determined on a trip into the Indian country for the benefit of his health. Just as the time for his departure was about to arrive, and while he was absent at his court, the district convention assembled, and nominated him as the Demo-

cratic candidate for Congress, in opposition to his known wishes, and appointed a committee to wait upon him and insist upon his acceptance. The reasons assigned for this step were such as he did not feel at liberty to disregard. They were, that, in consequence of the political complexion of the district, he was the only Democrat in it who could be elected, and that his refusal would be equivalent to the voluntary surrender of the district into the hands of the Whigs. But, as the result of the contest was deemed exceedingly doubtful, he was urged not to resign his seat on the bench, so that he might have that to fall back upon in case of defeat. He peremptorily refused to hold that seat, and, at the same time, canvass before the people for a political office. Unwilling to let the election go by default, and to disoblige those friends who had sustained him on so many occasions, he resigned his judicial station, to which he had been elected for life, and took the doubtful chances of an election to Congress. The opposing candidate, Mr. Browning, was one of the most eminent lawyers and eloquent speakers in the state. The canvass was conducted with great courtesy, but with unusual spirit and energy. The two candidates traveled together, and addressed the people each day for forty successive days (Sundays excepted, of course); and on election day, both found themselves prostrate with the bilious fever, from which neither recovered for several months.

Mr. Douglas was elected by something over four hundred majority, and took his seat in December of the same year. He was re-elected from the same district the next year (the law having been changed so as to elect one year in advance) by a majority of about nineteen hundred votes; and in August, 1846, he was again elected, when absent from the state, by about two thousand nine hundred majority. He never took his seat, however, under the last election, having in the mean time been elected, as we have stated, to the Senate of the United States, for six years from the 4th of March, 1847. He was married in April, 1847, to Martha Denney Martin, only daughter of Col. Robert Martin, of Rockingham county, North Carolina.

Before proceeding to the exposition of his career in the national councils, it may not be improper to notice his connection with two or three cases arising in the course of his professional and judicial services.

In 1838–9, the question arose in the courts of Illinois as to the right of a state to confer the elective franchise upon alien inhabitants, who had not been naturalized in conformity with the laws of the United States. The question was a novel one, being the first case of the kind ever brought before the judiciary of this country.

A person of this class had been permitted to vote for Mr. Douglas for Congress in 1838, with the knowledge, on the part of the judges of election, that he was an unnaturalized alien; and the judges were indicted and convicted in the Circuit Court for malfeasance in office. Mr. Douglas, who was an utter stranger to the judges and the voter, took the case to the Supreme Court, for the purpose of making the point and testing the question. It is understood that the preconceived opinions of the bar and the bench generally were against the right of the voter. The case was argued elaborately on both sides, as appears in the report. Mr. Douglas maintained that although Congress possessed the exclusive right to prescribe uniform rules of naturalization, yet that naturalization had no necessary connection with the elective franchise, neither conferring nor withholding it; that the Constitution of the United States left the regulation of it entirely under the control of the respective states, each for itself; that each state had the right to prescribe such qualifications of voters as it pleased for the most numerous branch of its Legislature, and that the Constitution of the United States adopted the qualifications thus prescribed by the state as the qualifications of voters for members of Congress in such state. The Supreme Court of Illinois decided the question in favor of the right of the voter, as contended for by Mr. Douglas. It will be perceived, that if this doctrine is correct, as to which we express no opinion, Native Americanism in the halls of Congress could no longer have an existence. In connection with that political sect, we have again referred to Mr. Douglas's opinions on this subject, as expressed in the House.

Another national question upon which it became his duty to express his opinion from the bench, was the memorable Bankrupt Law of 1841. He held that that law was not warranted by the Constitution of the United States; that it was an *insolvent* law instead of a bankrupt law within the meaning of that instrument. We have cited these cases from among many

with which he was connected, professionally or judicially, because his opinions seemed to us to be peculiar.

There is, however, one other case, of a character so extraordinary, that we are sure our readers will justify us for the space we devote to a record of the facts. It is known as the case of the people against Berry and others, and was one of the first prosecutions conducted by Mr. Douglas after his election as state's attorney.

In a remote corner of the county in which he resided, at a place called Puncheon Camp Grove, there lived two families, one by the name of Berry, and the other (we think) by the name of Lucas. The Berry family consisted of an old man and his wife, with about half a dozen sons and sons-in-law, all farmers, members of the Church, and considered very respectable people. There was a religious revival going on in the neighborhood, and a protracted religious meeting had for some time been assembled. All the Berry family attended it except the old lady, who, being sick, was left at home under the care of Lucas and his wife, an aged couple.

When the family returned at night from the meeting, the old woman, Mrs. Berry, invited them to come round the bed in which she was lying, to pray. They did so, at the same time requiring the old man, Lucas, to kneel down and join them in prayer, holding up to him, as the consequence of his refusal, the everlasting perdition of his soul. Declining to comply with their demands, they all seized him and forced him to his knees, telling him that they would crucify him. They immediately tied a rope to the rafters of the log house, and told him that, after they had crucified him, his soul must ascend that rope to heaven. The whole family—the father, mother, sons and daughters, and sons and daughters-in-law—participated in the ceremonies. While some held the old man down, others cut his head, arms, and legs, and stabbed him in the body with knives. The sick old woman, Mrs. Berry, who seemed to take command in the operations, got out of bed, filled her mouth with whisky (others following her example), spit into the fire, and, as the blue flame would ascend, told Lucas to see the fires of hell and damnation burning to receive him. This process of torture continued until he became exhausted from his wounds and the loss of blood, when he was supposed to be dead. In

the mean time, his wife had made her escape, and spread the alarm through the neighborhood. When, a little before daylight in the morning, the neighbors assembled round the house, they found the family singing psalms over the old man's body, which they had laid out as though it were dead. They soon discovered, however, that life was not quite extinct. Medical aid was sent for; the proper remedies were applied; and Lucas, although his body and limbs were horribly hacked and mutilated, was eventually restored.

As death did not ensue, the only crime for which the parties could be indicted was that of assault with intent to commit murder. The affair having produced a deep sensation throughout that section of country, the trial naturally excited the most intense interest, and a vast concourse of people assembled to hear it. The whole family, males and females, were put upon their trial in one indictment, and they secured the services of the ablest lawyers in the state.

During the trial, some controversy, and perhaps ill blood, arose between Mr. Douglas and the leading counsel for the defense. The latter, a distinguished lawyer, in opening his argument to the jury, referred to the fact that he had been sent for from a distant part of the state to attend this trial, and warned them against allowing any prejudice to exist in their minds against him on that account. In illustration of his meaning, he referred to a case which had come under his observation in Kentucky. A man had been indicted for a crime of which he was innocent; but, to render his defense sure and his innocence manifest, he had sent to a distant part of the state for Henry Clay and John Rowan—men whose name and renown were great in the land—to defend him; but, although the prosecution failed to make out the case, the jury found the prisoner guilty, on the ground that, if he had been innocent, he would never have gone to the trouble and expense of sending so great a distance for such distinguished counsel. He added, that he hoped the jury would not convict *his* client from any such consideration.

The main point in the defense of the Berry family was insanity—a monomania on the subject of religion. After exhausting all the authorities to be found in the books, the counsel for the defense proceeded to cite several cases, not reported,

to show that a jury would never find a man guilty of a crime where no motive for its commission could be found. Among many others, he cited one to this effect:

A man near Danville, in Kentucky, while riding along the road, called at a neighbor's house and asked for a coal of fire to light his pipe, and, when it was furnished him, and the pipe was lighted, he drew a pistol and shot the man dead. "And, gentlemen of the jury," said the counsel, "that man was neither hanged nor put in the penitentiary."

Mr. Douglas was irritated by this course of argument. He thought the counsel was presuming upon his youth and inexperience; and he felt disposed to convince him that, in relying upon such considerations to aid him in the defense, he was in error.

He therefore commenced his reply by repeating, *verbatim*, the allusion to Henry Clay and John Rowan—men whose name and renown were great in the land—and made appropriate comments upon the modesty which could draw such comparisons. He reviewed, and answered seriously, all the cases which had been cited from the books, and deduced from them what he conceived to be the principles which they settled.

When he came to the other authorities, which he characterized as having been drawn from comic almanacs and from old women in the chimney corner, he dealt with them in a different manner. He said he happened to know something of the case near Danville, Kentucky, and he presumed that was a fair specimen of the rest.

It so happened that one of the officers of the court in Illinois, then in attendance, was present at the trial in Kentucky, and was well acquainted with all the facts of the case. "He tells me," said Mr. Douglas, "that the crime was committed in the manner stated, and that the accused party 'was neither hanged nor sent to the penitentiary,' because, after he had been tried and convicted, *he broke jail and ran away!*"

Mr. Douglas then argued the case upon its merits. His argument seems to have been of this nature:

He admitted that a man might be insane on one subject, and perfectly sane and rational on all others, and that, while in that condition, he might be able to attend to all his usual business without any symptoms of insanity being manifested, until

some allusion or reference should be made to the particular topic or subject which had produced the mental disease. But he contended that in all such cases of partial insanity a connection might be traced between the cause and the effect. For example: insanity produced by love would show itself when that subject was mentioned, and in a manner which would indicate that that passion was the cause; and, in like manner, insanity produced by religious excitement would have shown itself, not in cruelties and acts of imposture, such as torturing a man, and using ardent spirits as evidences of the flames of the infernal regions, but by excesses, all of which would be under the influence of religious principles and feelings.

The jury found the prisoners guilty, and sentenced them to confinement in the penitentiary. The court set aside the verdict and ordered a new trial, on the ground that the verdict was contrary to law and evidence. The presiding judge expressed the opinion that it was a case of insanity, for which the accused were not responsible, and that the verdict must have been influenced more by the controversy between the counsel than by the evidence. Mr. Douglas resigned the office of state's attorney before the second trial took place, and was succeeded by a gentleman who was unacquainted with the facts of the case. The accused parties were acquitted, on the plea of insanity produced by undue religious excitement.

Mr. Douglas may be placed at the head of those members who, at the commencement of the twenty-ninth Congress, were known by the familiar title of the "fifty-four forties." As a member of the preceding Congress, he had taken the ultimate ground in respect to the disputed territory, and had declared that "he never would, now or hereafter, yield up one inch of Oregon, either to Great Britain or any other government." He had advocated the policy of giving notice to terminate the joint occupation; of immediately extending our settlements up to the Rocky Mountains; of establishing a territorial government of Oregon, protected by a sufficient military force; and of putting the country in a condition to repel any aggression on the part of Great Britain, and to resent any invasion of our rights. He had dwelt on those public considerations which meet with so passionate and instantaneous a response in the American heart, in regard to the "grasping tendencies" of British power.

He spoke of the alleged intrigues of that government touching California, and Cuba, and Texas; as to the latter of which, the fog has been so wonderfully cleared away by General Houston's letter of July 18, 1847, and which claims a place in another chapter. He had pointed the attention of the American people to the "net-work of possessions and fortifications" which British power had run around the United States; to Canada, to Nova Scotia, to New Brunswick, and to those possessions "which studded the Atlantic round Cape Horn to the Oregon." He had declared that the cherished object of British policy was to check the growth of republican institutions on this continent, and the rapidity with which we were advancing not only in political power, but in trade, and commerce, and national glory. This growth, he thought, had shaken the thrones of Europe to their foundations, and had rendered it necessary to the self-preservation of their designing incumbents that our onward march should be arrested.

"It therefore," he said, "becomes us to put this nation in a state of defense; and when we are told that this will lead to war, all I have to say is this: violate no treaty stipulations, nor any principle of the law of nations; preserve the honor and integrity of this country; but, at the same time, assert our right to the last inch, and then, if war comes, let it come. We may regret the necessity which produced it; but when it does come, I would administer to our citizens Hannibal's oath of eternal enmity, and not terminate it until the question was all settled forever. I would blot out the lines on the map which now mark our national boundaries on this continent, and make the area of liberty as broad as the continent itself. I would not suffer rival petty republics to grow up here, engendering jealousy of each other, and interfering with each other's domestic affairs, and continually endangering their peace. I do not wish to go *beyond the great ocean*—beyond those boundaries which the God of Nature has marked out; and I would limit myself to that natural boundary which is so clearly defined."

In another speech he says.

"Our federal system is admirably adapted to the whole continent; and while I would not violate the laws of nations, nor treaty stipulations, nor in any manner tarnish the national

honor, I would exert all legal and honorable means to drive Great Britain and the last vestiges of royal authority from the continent of North America, and extend the limits of the republic from ocean to ocean. I would make this an *ocean-bound republic*, and have no more disputes about boundaries or red lines upon the maps."

How absorbing an idea in some portions of the country this "ocean-bound republic" afterward became, the reader need scarcely be reminded.

In illustration of the views of Mr. Douglas on this point, we have heard him say that if he were to consult the interests and honor of the republic alone, he would rather see three new monarchies established on the American continent than one republic. His reason is this: that so long as we had a monarchy for a neighbor, the very odium which is attached to that form of government would unite our own people in any controversy we might have with it; but that, if there should be a new republic on the continent, like that of Texas, for instance, it would necessarily be a feeble one when compared with ours; and our superiority would excite its envy, and therefore its hostility. The consequence would be, he says, that a feeble republic would always be used as an instrument in the hands of powerful European monarchies, through which to assail us with impunity; for, if we should attempt to resent the aggression, the very fact that we proposed to make war on a weak republic would divide our own people.

The Baltimore Democratic Convention, whose troubled elements had given birth to the nomination of Mr. Polk for the office of President of the United States, laid down certain cardinal articles of the Democratic faith, among which was the "reoccupation of Oregon" and the "reannexation of Texas." With the latter of these we have at present no concern.

It is matter of record that controversies have arisen in quarters of undoubted respectability as to the extent to which the action of the Convention had committed the Democratic party in relation to the Oregon Question. Mr. Bayly, of Virginia, alluding to this point in a speech delivered on the 27th of January, 1846, says:

"I utterly deny that this question of giving notice was made at the Baltimore Convention, or any where else, until it has been

attempted this winter, a measure of the Democratic party. It was raised at the last session by the gentleman from Massachusetts (Mr. Adams), when we had just come out of our glorious party struggle, and when we were all fresh with its issues; ay, and at the time when we had just carried through the Texas resolutions. And, at that time, what course did the party take? Why, sir, the gentleman who led us then on that question, the present Governor of Tennessee (A. V. Brown), absolutely denied the power of Congress to give the notice; and a proposition moved by the gentleman from Massachusetts (Mr. Adams), providing for giving it, was voted down by the Republican party. It is true, a similar one was afterward adopted, but against the vote of the great mass of the party; the Western men, particularly, voting almost in a solid column against it. It was adopted against eighty-two votes in the negative, of whom only three were Whigs. Sir, it was not regarded then as a part of the Democratic creed, and I do not understand how it has become so since. Notwithstanding all this, such of us as advocated the immediate admission of Texas, and now oppose giving this notice, are accused of inconsistency and bad faith."

Mr. Woodward, of South Carolina, speaking on the same point, said, "that the Baltimore resolution upon the 'reoccupation' of Oregon was the opinion of the members of the Convention, and not attempted to be incorporated into the Democratic creed; that the measure was *recommended* to the Democratic party as a great American question above party; that, with all due deference and respect, he had considered the advice of that Convention, and he utterly repudiated the idea that they possessed any power to impose any obligation upon him. He denied that they designed to do it; and he would sustain the President if he should settle this question upon the line of forty-nine degrees."

Whatever interpretation the framers of the following resolution, or those who voted for it, designed it should bear, or under whatsoever circumstances it may have been adopted, we find, on reference to the records, that it was duly promulgated to the Democratic party as part and parcel of the authorized proceedings of the Convention:

"*Resolved*, That our title to the whole of the territory of

Oregon is clear and unquestionable; that no portion of the same ought to be ceded to England or any other power; and that the reoccupation of Oregon, and the reannexation of Texas at the earliest practicable period, are great American measures, which this Convention recommends to the ardent support of the Democracy of the Union."

It is well known that the efforts of the American and British governments had failed to effect an adjustment of the intricate and perplexing controversy in relation to our northwestern boundary. The President, in his inaugural address, had reaffirmed the doctrines of the resolution of the Baltimore Convention in regard to the "reannexation" of Texas, and had also declared his intention to assert our claim to the Oregon Territory. In doing this, he had borrowed the phraseology of the resolution to express his judgment of the nature of our title. He says:

"Nor will it become in a less degree my duty to assert and maintain, by all constitutional means, the right of the United States to that portion of our territory which lies beyond the Rocky Mountains. Our title to the country of the Oregon is 'clear and unquestionable,' and already are our people preparing to perfect that title by occupying it with their wives and children. But eighty years ago, our population was confined on the west by the ridge of the Alleghanies. Within that period—within the life-time, I might say, of some of my hearers—our people, increasing to many millions, have filled the eastern valley of the Mississippi, adventurously ascended the Missouri to its head springs, and are already engaged in establishing the blessings of self-government in valleys, of which the rivers flow to the Pacific. The world beholds the peaceful triumphs of the industry of our emigrants. To us belongs the duty of protecting them adequately wherever they may be upon our soil. The jurisdiction of our laws, and the benefits of our republican institutions, should be extended over them in the distant regions which they have selected for their homes. The increasing facilities of intercourse will easily bring the states, of which the formation in that part of our territory can not be long delayed, within the sphere of our federative Union. In the mean time, every obligation imposed by treaty or conventional stipulations should be sacredly respected."

The exact position of the controversy at the time Mr. Polk entered upon the duties of the executive office, is thus stated in his first annual message:

"My attention was early directed to the negotiation which, on the 4th of March last, I found pending at Washington between the United States and Great Britain on the subject of the Oregon Territory. Three several attempts had been previously made to settle the question in dispute between the two countries, by negotiation, upon the principle of compromise; but each had proved unsuccessful.

"These negotiations took place at London in the years 1818, 1824, and 1826; the two first under the administration of Mr. Monroe, and the last under that of Mr. Adams. The negotiation of 1818, having failed to accomplish its object, resulted in the Convention of the 20th of October of that year. By the third article of that convention, it was 'agreed that any country that may be claimed by either party on the northwest coast of America, westward of the Stony Mountains, shall, together with its harbors, bays, and creeks, and the navigation of all rivers within the same, be free and open for the term of ten years from the date of the signature of the present convention, to the vessels, citizens, and subjects of the two powers, it being well understood that this agreement is not to be construed to the prejudice of any claim which either of the two high contracting parties may have to any part of said country, nor shall it be taken to affect the claims of any other power or state to any part of the said country, the only object of the high contracting parties in that respect being to prevent disputes and differences among themselves.'

"The negotiation of 1824 was productive of no result, and the Convention of 1818 was left unchanged. The negotiation of 1826, having also failed to effect an adjustment by compromise, resulted in the Convention of August the 6th, 1827, by which it was agreed to continue in force for an indefinite period the provisions of the third article of the Convention of the 20th of October, 1818; and it was further provided that 'it shall be competent, however, to either of the contracting parties, in case either should think fit, at any time after the 20th of October, 1828, on giving due notice of twelve months to the other contracting party, to annul and abrogate this con-

vention; and it shall, in such case, be accordingly entirely annulled and abrogated after the expiration of the said term of notice.' In these attempts to adjust the controversy, the parallel of the forty-ninth degree of north latitude had been offered by the United States to Great Britain, and, in those of 1818 and 1826, with a further concession of the free navigation of the Columbia River south of that latitude. The parallel of the forty-ninth degree, from the Rocky Mountains to its intersection with the northeasternmost branch of the Columbia, and thence down the channel of that river to the sea, had been offered by Great Britain, with an addition of a small detached territory north of the Columbia. Each of these propositions had been rejected by the parties respectively.

"In October, 1843, the envoy extraordinary and minister plenipotentiary of the United States in London was authorized to make a similar offer to those made in 1818 and 1826. Thus stood the question, when the negotiation was shortly afterward transferred to Washington; and, on the 23d of August, 1844, was formally opened under the direction of my immediate predecessor. Like all the previous negotiations, it was based upon principles of 'compromise;' and the avowed purpose of the parties was 'to treat of the respective claims of the two countries to the Oregon Territory, with the view to establish a permanent boundary between them westward of the Rocky Mountains to the Pacific Ocean.' Accordingly, on the 26th of August, 1844, the British plenipotentiary offered to divide the Oregon Territory by the forty-ninth parallel of north latitude, from the Rocky Mountains to the point of its intersection with the northeasternmost branch of the Columbia River, and thence down that river to the sea, leaving the free navigation of the river to be enjoyed in common by both parties, the country south of this line to belong to the United States, and that north of it to Great Britain. At the same time, he proposed, in addition, to yield to the United States a detached territory north of the Columbia, extending along the Pacific and the Straits of Fuca, from Bulfinch's Harbor inclusive to Hood's Canal, and to make free to the United States any port or ports south of latitude forty-nine degrees which they might desire, either on the main land, or on Quadra and Vancouver's Island. With the exception of the free ports, this was the same offer which had been

made by the British, and rejected by the American government in the negotiation of 1826. This proposition was properly rejected by the American plenipotentiary on the day it was submitted. This was the only proposition of compromise offered by the British plenipotentiary. The proposition on the part of Great Britain having been rejected, the British plenipotentiary requested that a proposal should be made by the United States for 'an equitable adjustment of the question.'

"When I came into office, I found this to be the state of the negotiation. Though entertaining the settled conviction that the British pretensions of title could not be maintained to any portion of the Oregon Territory upon any principle of public law recognized by nations, yet, in deference to what had been done by my predecessors, and especially in consideration that propositions of compromise had been thrice made by two preceding administrations, to adjust the question on the parallel of forty-nine degrees, and in two of them yielding to Great Britain the free navigation of the Columbia, and that the pending negotiation had been commenced on the basis of compromise, I deemed it to be my duty not abruptly to break it off. In consideration, too, that under the conventions of 1818 and 1827, the citizens and subjects of the two powers held a joint occupancy of the country, I was induced to make another effort to settle this long-pending controversy in the spirit of moderation which had given birth to the renewed discussion. A proposition was accordingly made, which was rejected by the British plenipotentiary, who, without submitting any other proposition, suffered the negotiation on his part to drop, expressing his trust that the United States would offer what he saw fit to call 'some further proposal for the settlement of the Oregon Question, more consistent with fairness and equity, and with the reasonable expectations of the British government.' The proposition thus offered and rejected repeated the offer of the parallel of forty-nine degrees of north latitude, which had been made by two preceding administrations, but without proposing to surrender to Great Britain, as they had done, the free navigation of the Columbia River. The right of any foreign power to the free navigation of any of the rivers through the heart of our country was one which I was unwilling to concede. It also embraced a provision to make free to Great Britain any port or ports on the

Cape of Quadra and Vancouver's Island, south of this parallel. Had this been a new question, coming under discussion for the first time, this proposition would not have been made. The extraordinary and wholly inadmissible demands of the British government, and the rejection of the proposition made in deference alone to what had been done by my predecessors, and the implied obligation which their acts seemed to impose, afford satisfactory evidence that no compromise which the United States ought to accept can be effected. With this conviction, the proposition of compromise which had been made and rejected, was, by my direction, subsequently withdrawn, and our title to the whole Oregon Territory asserted, and, as is believed, maintained by irrefragable facts and arguments."

Such, in his own language, were the views of the President at the commencement of the first session of the twenty-ninth Congress. To give effect to these views, he recommended that notice be given to Great Britain that the convention pending for the joint occupation of the Oregon Territory should terminate, according to the stipulations of the convention itself; and that, in the mean time, Congress should determine what legislation could be adopted without a violation of the faith of treaties. He recommended, also, the adoption of certain specific measures, as the best, in his judgment, for securing our rights in Oregon, and suggested others for the consideration of Congress. The former were, the extension of our jurisdiction, and of the protection of our laws, civil and criminal, over our citizens in Oregon, to the full extent to which the British Parliament had proceeded in regard to British subjects in that territory; the extension of our laws regulating trade and intercourse with the Indian tribes east of the Rocky Mountains, to such tribes as dwelt beyond them; the establishment of an Indian agency, and such subagencies as might be deemed necessary, beyond the Rocky Mountains; the erection of a suitable number of stockades and block-house forts along the usual route between our frontier settlements on the Missouri and the Rocky Mountains, for the protection of emigrants while on their way to Oregon, against the attacks of Indian tribes; the raising of an adequate force of mounted riflemen to guard and protect them on their journey; and the establishment of an over-land mail line to the Pacific. The President then adds:

"At the end of the year's notice, should Congress think it proper to make provision for giving that notice, we shall have reached a period when the national rights in Oregon must either be abandoned or firmly maintained. That they can not be abandoned without a sacrifice of both national honor and interest, is too clear to admit of doubt."

The notice recommended by the President was regarded on all sides as the main step in the controversy. It was not, however, the only important one. As early as the 19th day of December, Mr. Douglas, chairman of the Committee on Territories, reported a bill under the unassuming title of "a Bill to Protect the Rights of American Settlers in the Territory of Oregon, until the Termination of the joint Occupancy of the same." This bill, simple enough at first sight, but, on close inspection, one of the most extraordinary and covert, we undertake to say, in its provisions, ever presented to Congress, received a highly eulogistic endorsement from the official organ. Its consideration was postponed to a future day somewhat distant; and, when it was finally brought up, its features were essentially metamorphosed. We trust its history may yet be written.

On the 5th of January, 1846, the Committee on Foreign Affairs, to whom had been referred this particular portion of the message, reported, through their chairman, Mr. C. J. Ingersoll, the following joint resolution:

"*Resolved, by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the President of the United States forthwith cause notice to be given to the government of Great Britain, that the convention between the United States and Great Britain concerning the Territory of Oregon, of the 6th of August, 1827, signed at London, shall be annulled and abrogated twelve months after the expiration of the said term of notice, conformably to the second article of the said convention of the 6th of August, 1827."

On the 7th of January, Mr. C. J. Ingersoll moved so to amend the doubtful phraseology of this resolution as to strike out all after the words "shall be annulled and abrogated," and insert, in lieu thereof, the words "at the expiration of the term of twelve months from and after said notice shall be given, conformably to the second article of the said convention of the 6th of August, 1827."

On the same day, a minority of the committee, consisting of Messrs. Garrett Davis, Truman Smith, and Caleb B. Smith, made a counter report, which concluded with a resolution in the following words:

"*Resolved*, That the question whether a notice to terminate the convention between the United States of America and Great Britain, of October, 1818, and continued in force by the convention of August, 1827, ought to be given, is not a matter for the decision of Congress, and upon it this House, at the present, refrains from the expression of any opinion."

The debate, which attracted intense public interest, commenced early in the session, on an indirect issue, but was subsequently transferred to the main proposition, and continued for some weeks. The question of *title*, in all its varied aspects, was elaborately argued, some claiming from one source, some from another. The policy of the notice—its probable results of peace or war—the propriety of negotiation and compromise on the one hand, the invitations to stern defiance on the other—the memories of ancient wrongs, and the duty of avenging them—the necessity of preparation for defense—the future hopes and destinies of the nation—all these things, and many others of minor import, were embraced in the discussion.

Mr. Douglas took strong ground in favor of the notice, as he had done at the last session of the previous Congress. He could not, of course, know whether the giving this notice and the annulment of the treaty might or might not lead to war; but one thing, he declared, he did know, that it afforded no just cause of war. It was important to inquire whether the act would give *good ground of offense—just cause of war*. If it would, Congress ought to pause and reflect. If it would not, it was no argument to say that Great Britain would choose to *make* it a cause of war. To give the notice was merely to exercise a *peaceful* right secured by the treaty itself. No right, no treaty, no law would be violated by it. When the notice should have been given, and the convention terminated, the United States and Great Britain would occupy the same relative position to each other that they occupied before the convention of 1818 was entered into, and that was a position of profound peace. What, then, would be the rights of the United States? The United States would be entitled to the actual

exclusive possession of the valley of the Columbia River, and the right to hold that possession while treating of the title, that right having been secured by the first article of the Treaty of Ghent. It would be found, on reference to the history of this question, that, at the breaking out of the late war, the valley of the Columbia River was in possession of citizens of the United States; that, during that war, it was captured by Great Britain; and that, by the treaty of peace, it was provided that all countries captured by Great Britain (excepting only certain islands in the Bay of Fundy) should be restored to us. As soon as that treaty was ratified and published, the American government, in pursuance of its provisions, had demanded of Great Britain the restoration of the valley of the Columbia River. Great Britain objected, and set up a claim to that country as a part of the British empire. But, notwithstanding all her objections, when Mr. Rush replied to them that we were entitled to the full possession (or repossession, to use his own language), she admitted that right, and acknowledged that, under the Treaty of Ghent, the United States were entitled to the actual, full repossession of the valley of the Columbia, and that we had a right to remain in possession while negotiating as to the title. Not only did Great Britain make this acknowledgment, but she sent her fleet armed into the Pacific Ocean, took on board the United States agent, and then *actually surrendered* up the country to the United States. Hence, Mr. Douglas contended, if the convention of joint occupation was terminated, the right of the United States to exclusive possession under the Treaty of Ghent was revived, and Great Britain could not, dare not resist the restitution of that valley. This was no cause of war—no war movement. When in *possession*, and not till then, we would be ready to treat upon the title. If the negotiations were carried on, and the treaty of joint occupation was left in force, Great Britain would be the party in possession. If negotiations should commence, and should be terminated because no ground could be found on which the parties could agree, was it a matter of no consequence whether we were in peaceable possession by surrender, or whether Great Britain should be in possession, and we should have to turn her out? In answer to the argument that Great Britain never would acknowledge the exclusive right of the

United States to the possession of the valley of the Columbia before the question of title was settled, he replied that Great Britain *had* acknowledged that right, not only in words, but by a solemn act, which must stand prominent in the history of that government so long as that history should exist. She had estopped herself from denying our right to the possession. If she did refuse to make that restoration after the notice should have expired, she would have to violate her solemn treaty stipulations; she would become the aggressor—would violate her plighted faith in the eyes of the civilized world, an act of perfidy and bad faith of which she dared not take the responsibility. The notice, therefore, he regarded as the only peaceful means by which we could obtain possession of the valley of the Columbia; and the man who refused to go for it must either avow himself opposed to the possession of that valley, or he must avow himself in favor of *war* as a substitute for this peaceful measure.

He characterized the policy of those who would continue the treaty of joint occupation, in order that we might finally get possession of the territory, as "stealing possession" of it in violation of that treaty. Was that, he asked, a peaceful remedy? Would not the attempt to carry out that policy lead to war? It would not only do so, but it would put us in the wrong. It would convict our government of an act of duplicity and perfidy. It would array the whole civilized world against us, and would render us amenable to the charge of being faithless and dishonorable.

He expressed the conviction that, after we should have recovered possession of the valley of the Columbia through this, the peaceful medium of the notice, our people and settlements both on the north and south side of the Columbia River would so spread and multiply, that Great Britain would discover that it would be impossible to turn us out, even if she were to try.

"But," he added, "I choose to be frank and candid in this declaration of my sentiments on this question. For one, I never will be satisfied with the valley of the Columbia, nor with 49°, nor with 54° 40′; nor will I be while Great Britain shall hold possession of one acre on the northwest coast of America. And I will never agree to any arrangement that shall recognize her right to one inch of soil upon the northwest coast; and for this

simple reason: Great Britain never did own, she never did have a valid title to, one inch of that country. The question was only one of dispute between Russia, Spain, and the United States. England never had a title to any part of the country. Our government has always held that England had no title to it. In 1826, Mr. Clay, in his dispatches to Mr. Gallatin, said, 'It is not conceived that the British government can make out even a colorable title to any part of the northwest coast.' Not that she could not make out a title—not that she could not make out an incontrovertible title, but that she could not make out a colorable title—not a shadow of a title—not so much of a shadow as would give coloring to the transaction. That was the doctrine of our government twenty years ago. That title has undergone no changes since; for the joint occupation has been in force, and the treaty of joint occupation provided that the rights of neither party should be affected or impaired thereby. Our government has held ever since that our title is clear and unquestionable.

"The value of the Oregon Territory is not to be measured by the number of miles upon the coast, whether it shall terminate at 49°, or at 54° 40′, or reach to 61° and the Arctic Ocean. It does not depend on the character of the country, nor the quality of the soil. It is true, that consideration is not unworthy of attention; but the great point at issue—the great struggle between us and Great Britain, is for the freedom of the Pacific Ocean; for the trade of China and of Japan, of the East Indies, and for the maritime ascendency on all these waters. That is the great point at issue between the two countries; and the settlement of this Oregon Question involves all these interests. And in order to maintain these interests, and secure all the benefits resulting from them, we must not only go to 54° 40′, but we have got to exclude Great Britain from the coast *in toto*."

Such were the opinions of Mr. Douglas. That they were as honestly entertained as they were fearlessly expressed, we have no doubt. Nor do we doubt the sincerity of that reliance on the purposes of the President in respect to this question, which is so forcibly avowed in the following extracts from the same speech:

"I was willing to forgive the President from the bottom of

my heart for the offer of the forty-ninth parallel in August last, when I saw that he withdrew that proposition after it had been rudely rejected by England; that he asserted our title to the whole country; that he recommended the notice, the extension of our laws, the establishment of forts, the raising of mounted men, the establishment of mail lines, and, what was better than all, that he laid down the great American principle, that it 'should be distinctly announced to the world as our settled policy, that no future European colony or dominion shall, with our consent, be planted or established on any part of the North American continent.' To what did the President refer in this declaration? Why, he says he refers to the 'North American continent.' What part of it? Certainly not to Mexico or California, for they are not European colonies. Certainly not to Canada, Nova Scotia, or New Brunswick, for they are old colonies long since established, and the President says that 'the existing rights of every European nation should be respected.' Certainly not to the Hudson Bay Company; if he did, it would then extend the principle a little further, or to the Hudson Bay as well as to Oregon. To what did he refer? Why, evidently to that part of the North American continent which now remains vacant and unoccupied; for he says 'that no *future* European colony' shall be planted, with our consent, on any part of the North American continent. If he had referred to the old colonies, he would not have spoken of 'future' ones; if he had referred to those long since planted, he would not have spoken of colonies *hereafter* to be planted. He, then, referred to the vacant and unoccupied part of North America; and the west of the Rocky Mountains is that vacant and unoccupied part in reference to which he says 'no future European colony or dominion shall, with our consent, be planted or established' there, or on our northwest coast. And here let me remark, that there is no chance for equivocation—for evading the position, because England has now no colony on the northwest coast. She says she has no colony there. If you look into the act of Parliament extending her laws there, you will see she uses very emphatic language. She says it is an Indian country.

"Sir, she then spoke of it, when she extended her laws over Oregon, as being an Indian territory, not within the Canadas, not within the Hudson Bay Company's jurisdiction, and not

within any of the British colonies in North America; and this is the very section of country to which Mr. Polk refers when he says that 'no future European colony or dominion shall, with our consent, be planted or established on any part of the North American continent.' Now, suppose you formed a treaty on the line of forty-nine degrees, and establish that as the boundary; is that not giving 'our consent' to the establishment of a British colony on our continent? Suppose you agree to 54° 40′, do you not thereby give 'our consent' to the establishment of a 'future European colony' north of that line, and yet upon the North American continent? Clearly, sir. Any treaty of boundary on the northern part of Oregon would be an act—a solemn act of 'consent' by this government to the establishment of a future European colony on this continent. But the President has announced distinctly to the world as our settled policy, that that consent can not be given. Sir, he who knows the character of the man—he who knows the stern integrity of his political character—he who knows the consistency of his whole public life—he who knows his fidelity to his principles, must know that, during his four years, this 'settled policy' will not be unsettled by him. He is not the man to put the distinct declaration forth to the world in the name of his government of a settled policy, and then to sneak back from it—to violate it—to disgrace himself and his nation during that very presidential term in which he gave the notice. Then, I say, that during these four years, it is a settled, irrevocably settled question, that no treaty fixing a boundary for the northern part of Oregon can be made. Sir, the making of any treaty fixing a boundary would be a palpable violation of the very principle the President has put forth in his message. Bearing this point in mind, gentlemen will easily understand the meaning of the President in all his recommendations—when he said that no compromise of this question could be made which the United States ought to accept—when he said that he reasserted our claim to the whole country, and maintained it by irrefragable facts and arguments—when he said that the notice must be given, and the exclusive possession regained—when he said our laws must be extended there—when he said that at the end of the year the time would have arrived when we must either maintain our claim or abandon the whole of it."

The debate was finally terminated, under an order of the House, on the 9th of February. In the mean time, the temper of large portions of our people had been wrought up to high fever point. The image of some flagrant wrong, hidden from their knowledge, as they supposed, for a quarter of a century, rose up before their excited visions in grim demand for retribution. The character of the debate—the fierce appeals which in some cases were made to popular passions, added fuel to the flame. They who had raised the storm, whose muttering thunders even now were heard in the distance, began to realize the conviction that, yet a little while longer, and they could neither control nor direct it. "The fact is not to be disguised," says Mr. Buchanan, in his dispatch to Mr. M'Lane of January 29th, 1846, "that the feeling of the country is becoming daily more unanimous and intense in favor of asserting our right to the whole territory; and the debates in Congress, and their delay to act in accordance with the recommendations of the President, only serve to increase the popular excitement. Resolutions of state Conventions and state Legislatures are now in succession being adopted, in favor of adhering to the line of 54° 40′. If the British government intend to make a proposition to this government, they have not an hour to lose if they desire a peaceful termination of the controversy."

While the debate was in progress, on the 3d day of February, on the motion of Mr. Collamer, of Vermont, a call was made upon the President for all correspondence which had passed between the government of Great Britain and that of the United States, or between any of the officers of the said governments, in relation to the territory west of the Rocky Mountains, since the annual message. The resolution contained the usual reservation, restricting the call to the transmission of such information as might not, in the judgment of the President, be incompatible with the public interests.

On the 7th of February, the President, in answer to this call, communicated certain portions of a correspondence which had taken place between Mr. Buchanan, Secretary of State of the United States, and Mr. M'Lean, minister of the United States at the court of Great Britain, in respect to the extensive warlike preparations then making by the latter government. Also, the correspondence between Mr. Buchanan and the Right Hon-

orable Richard Pakenham, her Britannic majesty's envoy extraordinary and minister plenipotentiary, in regard to two distinct propositions of arbitration which had been submitted by the latter, and declined on the part of the United States. What was the nature of these propositions, and what were the reasons for declining them, will best be seen from the letters themselves, which we now give:

"*Mr. Pakenham to Mr. Buchanan.*

"Washington, *December* 27, 1845.

"An attentive consideration of the present state of affairs, with reference to the Oregon Question, has determined the British government to instruct the undersigned, her Britannic majesty's envoy extraordinary and minister plenipotentiary, again to represent, in pressing terms, to the government of the United States, the expediency of referring the whole question of an equitable division of that territory to the arbitration of some friendly sovereign or state.

"Her majesty's government deeply regret the failure of all their efforts to effect a friendly settlement of the conflicting claims by direct negotiation between the two governments.

"They are still persuaded that great advantages would have resulted to both parties from such a mode of settlement, had it been practicable; but there are difficulties now in the way in that course of proceeding which it might be tedious to remove, while the importance of an early settlement seems to become at each moment more urgent.

"Under these circumstances, her majesty's government think that a resort to arbitration is the most prudent, and, perhaps, the only feasible step which could be taken, and the best calculated to allay the existing effervescence of popular feeling, which might otherwise greatly embarrass the efforts of both governments to preserve a friendly understanding between the two countries.

"The government of the United States will see in the proposal which the undersigned is thus instructed to make, a proof of the confidence of the British government in the justice of their own claim. They will also see in it a proof of the readiness of the British government to incur the risk of a great sacrifice for the preservation of peace, and of their friendly rela-

tions with the United States. It is made in a spirit of moderation and fairness, of which the world will judge.

"The British government confidently hope that the government of the United States will not reject a proposal made with such a friendly intention, and for a purpose so holy.

"There is nothing in it, they are convinced, not perfectly compatible with the strictest regard for the honor and just interests of both parties, particularly when it is considered of what small value to either is the portion of territory which in reality forms the subject of controversy, compared with the importance of preserving a state of peace and good-will between two such nations.

"The undersigned takes advantage of this opportunity to renew to the Hon. James Buchanan the assurance of his high consideration. R. PAKENHAM.

"HON JAMES BUCHANAN, &c., &c."

"*Mr. Buchanan to Mr. Pakenkam.*

"DEPARTMENT OF STATE, *Washington, January* 3, 1846.

"The undersigned, Secretary of State of the United States, has the honor to acknowledge the receipt of the note of Mr. Pakenham, her Britannic majesty's envoy extraordinary and minister plenipotentiary, dated the 27th ultimo, by which, under instructions from his government, he proposes to the government of the United States 'the expediency of referring the whole question of an equitable division of that (the Oregon) territory to the arbitration of some friendly sovereign or state.'

"The undersigned has submitted this note to the President, who, after having bestowed upon it that respectful consideration so eminently due to any proposition emanating from the British government, has instructed him to give to it the following answer:

"The British government do not propose to refer to arbitration the question of the title to the Oregon Territory, claimed by the two powers respectively. It is a proposition to refer to a friendly sovereign or state merely the partition or 'equitable division' of that territory between the parties. It assumes the fact that the title of Great Britain to a portion of the territory is valid, and thus takes for granted the very question in dispute. Under this proposition, the very terms of the submission

would contain an express acknowledgment of the right of Great Britain to a portion of the territory, and would necessarily preclude the United States from claiming the whole before the arbitrator. This, too, in the face of the note of the undersigned to Mr. Pakenham of the 30th of August last, by which the President had asserted, in the most solemn form, the title of the United States to the whole territory. Even if there were not other conclusive reasons for declining the proposition, this alone would be deemed sufficient by the President.

"The President heartily concurs with the British government in their regret that all attempts to settle the Oregon Question by negotiation have hitherto failed. He can not, however, concur with that government in the opinion that a resort to arbitration, and especially to an arbitration on the terms proposed, would be followed by happier consequences. On the contrary, he believes that any attempt to refer this question to a third power would only involve it in new difficulties.

"In declining this proposition, the President refers to the sentiment expressed in the note of the undersigned of the 30th of August last, to which allusion has already been made, that he 'cherishes the hope that this long-pending controversy may yet be finally adjusted in such a manner as not to disturb the peace or interrupt the harmony now so happily subsisting between the two nations.'

"The undersigned avails himself of this occasion to renew to Mr. Pakenham assurances of his distinguished consideration.

"JAMES BUCHANAN.

"Right Hon. RICHARD PAKENHAM, &c., &c., &c."

"*Mr. Pakenham to Mr. Buchanan.*

"WASHINGTON, *January* 6, 1846.

"The undersigned, her Britannic majesty's envoy extraordinary and minister plenipotentiary, has had the honor to receive the note of the Secretary of State of the United States, dated the 3d instant, in answer to that of the undersigned, dated the 27th ultimo, containing a proposal for referring the question of an equitable partition of the Oregon Territory to the arbitration of some friendly sovereign or state.

"The undersigned will take an early opportunity to transmit this communication to her majesty's government.

"The undersigned has the honor to renew to Mr. Buchanan the assurance of his distinguished consideration.

"R. PAKENHAM.

"The Hon. JAMES BUCHANAN, &c., &c., &c."

"*Mr. Pakenham to Mr. Buchanan.*

"WASHINGTON, *January* 16, 1846.

"With an anxious desire to contribute, by every means in his power, to a satisfactory conclusion of the question pending between the two governments respecting Oregon, the undersigned, her Britannic majesty's envoy extraordinary and minister plenipotentiary, has reflected on the contents of the note addressed to him on the 3d instant by the Secretary of State of the United States, in answer to that which the undersigned had the honor to address to him on the 27th of last month.

"The note of the undersigned proposed to the government of the United States that the whole question of an equitable partition of the Oregon Territory should be referred to the arbitration of some friendly sovereign or state.

"In his answer, the Secretary of State informed the undersigned that his proposition could not be accepted; that it did not propose to refer to arbitration the question of the title to the Oregon Territory, claimed by the two powers respectively. That in proposing to refer to a friendly sovereign or state merely the partition or equitable division of the territory between the parties, it assumes the fact that the title of Great Britain to a portion of the territory is valid, and thus takes for granted the very question in dispute. That under this proposition the very terms of the submission would contain an express acknowledgment of the right of Great Britain to a portion of the territory, and would necessarily preclude the United States from claiming the whole territory before the arbitrator; and this, too, the Secretary of State goes on to observe, in the face of his note to the undersigned of the 30th of August, by which the President had asserted, in the most solemn form, the title of the United States to the whole territory.

"It is not the purpose of the undersigned, in the present note, to renew the discussion as to the title of either party (Great Britain or the United States) to the whole or to any part of the Oregon Territory. He must, however, beg leave,

with reference to the observation which he has just quoted, to remind the United States Secretory of State, that if the government of the United States have formally advanced a claim to the whole of the Oregon Territory, it is no less certain that Great Britain has, in a manner equally formal, declared that she, too, has rights in the Oregon Territory incompatible with the exclusive claim advanced by the United States.

"This declaration, arising from a conviction equally sincere, will, the undersigned is persuaded, be viewed with the same consideration by the government of the United States as they expect that their own declaration should receive at the hands of the government of Great Britain.

"This premised, the object of the undersigned in addressing to Mr. Buchanan the present communication, is to ascertain from him whether, supposing the British government to entertain no objection to such a course, it would suit the views of the United States government to refer to arbitration, not (as has already been proposed) the question of an equitable partition of the territory, but the question of title in either of the two powers to the whole territory; subject, of course, to the condition, that if neither should be found, in the opinion of the arbitrator, to possess a complete title to the whole territory, there should, in that case, be assigned to each that portion of territory which would, in the opinion of the arbitrating power, be called for by a just appreciation of the respective claims of each.

"The undersigned has suggested a reference, on the above principle, to some friendly sovereign or state.

"This the undersigned believes to be the course usually followed in such cases: it is that which has already been resorted to by the two governments (and more than once). But there may be other forms of arbitration, perhaps, more agreeable to the government of the United States.

"There might be, for instance, a mixed commission, with an umpire, appointed by common consent, or there might be a board composed of the most distinguished civilians and jurists of the time, appointed in such a manner as should bring all pending questions to the decision of the most enlightened, impartial, and independent minds.

"In the present position of affairs, and feeling how much the interests of both countries require an early as well as an ami-

cable aad satisfactory adjustment of existing difficulties, the undersigned earnestly invites the Secretary of State to take the subject of this note into consideration, with a view to such an arrangement, on the principle of arbitration, as may seem to the government of the United States to be most just, wise, and expedient.

"The undersigned takes advantage of this opportunity to renew to the Hon. James Buchanan the assurance of his high consideration. R. PAKENHAM.

"HON. JAMES BUCHANAN, &c., &c., &c."

"*Mr. Buchanan to Mr. Pakenham.*

"DEPARTMENT OF STATE, *Washington, February* 4, 1846.

"The undersigned, Secretary of State of the United States, has the honor to acknowledge the receipt of the note of Mr. Pakenham, her Britannic majesty's envoy extraordinary and minister plenipotentiary, dated on the 16th ultimo, by which he again proposes a reference of the Oregon Question to arbitration. Under his present proposition, the powers of the arbitrator would not, as in his last, be limited in terms to the division of the territory between the parties, but would extend to the question of their conflicting titles. There is, however, a condition annexed to this offer which exposes it to the same objection, in point of fact, if not in form, which was prominently presented in the answer of the undersigned to Mr. Pakenham's last proposal. This condition is, 'that if neither [party] should be found, in the opinion of the arbitrator, to possess a complete title to the whole territory, there should, in that case, be assigned to each that portion of territory which would, in the opinion of the arbitrating power, be called for by a just appreciation of the respective claims of each.' If the government of the United States should consent to an arbitration upon such a condition, this might, and probably would, be construed into an intimation, if not a direct invitation, to the arbitrator, to divide the territory between the parties. Were it possible for the President, under any circumstances, to consent to refer the subject to arbitration, the title, and the title alone, detached from every other consideration, is the only question which could be submitted. If not confined to a single point, so strong is the natural disposition of arbitrators to please both parties, that, in

almost every instance, whether of national or individual controversies, they make a compromising award. We have a memorable example of this in our last arbitration with Great Britain. Notwithstanding that the arbitrator, under the terms of the submission, was clearly and explicitly confined to the decision of which was the line of highlands described in the treaty of peace of 1783, yet, instead of pursuing any range of highlands whatever, he advised that the line should run along the bed of a river, and actually divided the territory in dispute between the parties by 'the middle of the deepest channel of the St. John's.'

"The undersigned might content himself, in answer to the present proposition, with a reference to the observations contained in his last note to Mr. Pakenham, of the 3d ultimo. In that it was plainly intimated, not only that there are 'other conclusive reasons for declining the proposition,' independently of the one which had been prominently stated, but it was expressly asserted as the belief of the President 'that any attempt to refer this question to a third power would only involve it in new difficulties.'

"The undersigned will, however, proceed to state a single reason, which, apart from the intrinsic difficulty of selecting a suitable arbitrator, as well as other considerations that might be adduced, is conclusive on the mind of the President against a reference of this question to arbitration, in any form which can be devised, no matter what may be the character of the arbitrator, whether sovereign, citizen, or subject. This reason is, that he does not believe the territorial rights of this nation to be a proper subject for arbitration. It may be true that, under peculiar circumstances, if the interest at stake were comparatively small, and if both parties stood upon an equal footing, there might be no insuperable objection to such a course. But what is the extent of territory in dispute on the present occasion? It embraces nearly thirteen degrees of latitude along the northwest coast of the Pacific, and stretches eastward to the summit of the Rocky Mountains. Within its limits several powerful and prosperous States of the Union may be embraced. It lies contiguous, on this continent, to the acknowledged territory of the United States, and is destined, at no distant day, to be peopled by our citizens. This territory presents

the avenue through which the commerce of our Western States can be profitably conducted with Asia and the western coasts of this continent, and its ports the only harbors belonging to the United States to which our numerous whalers and other vessels in that region can resort. And yet, vast as are its dimensions, it contains not a single safe and commodious harbor from its southern extremity until we approach the 49th parallel of latitude.

"It is far from the intention of the undersigned again to open the discussion of the conflicting claims of the two powers to the Oregon Territory. It is sufficient for him to state the continued conviction of the President that the United States hold the best title in existence to the whole of this territory. Under this conviction, he can not consent to jeopard for his country all the great interests involved, and by any possibility, however remote, to deprive the republic of all the good harbors on the coast, by referring the question to arbitration.

"Neither is the territory in dispute of equal, or nearly equal, value to the two powers. While it is invaluable to the United States, it is of comparatively small importance to Great Britain. To her, Oregon would be but a distant colonial possession, of doubtful value, and which, from the natural progress of human events, she would not probably long enough enjoy to derive from it essential benefits, while to the United States it would become an integral and essential portion of the republic. The gain to Great Britain she would never sensibly feel, while the loss to the United States would be irreparable.

"The undersigned is perfectly aware that such considerations can have no bearing upon the question of the title of either party. They are presented solely for the purpose of explaining the views of the President in his refusal to adopt any measure which should withdraw our title from the control of the government and people of the United States, and place it within the discretion of any arbitrator, no matter how intelligent and respectable.

"The President cordially concurs with the government of Great Britain in desiring that the present controversy may be amicably adjusted. Of this he has given the strongest proof before the whole world. He believes that, as there are no two nations on the earth more closely bound together by the ties of

commerce, so there are none who ought to be more able or willing to do each other justice, without the interposition of any arbitrator.

"The undersigned avails himself of this occasion to renew to Mr. Pakenham the assurance of his high consideration.

"JAMES BUCHANAN.

"Right Hon. RICHARD PAKENHAM, &c., &c., &c."

The joint resolution, in the form in which it finally passed the House, was offered as an amendment by Mr. Linn Boyd, of Kentucky; a gentleman whose usually quiescent course challenges but little of public observation, but whose influence over his party, in regard to some of the late and most important measures of its policy, has been exemplified in a manner not less signal than complimentary. He seems to possess an effective, but unpretending faculty of uniting discordant opinions, and concentrating them upon a general *result*, not surpassed by that of any member in the ranks of the Democratic party.

The Congressional Globe thus states the final proceedings on taking the question:

"Just as Mr. Darragh concluded, the finger of the clock rested on the hour of three, and the chairman gave the table one heavy blow with the hammer, indicating that the time for *debating* had passed, and that the hour for *action* had come. So the committee proceeded, in obedience to the order of the House, to vote on amendments 'pending, or that might be offered.'

"Some few moments were taken up by an effort of the chairman to induce members to go home to their own places, instead of crowding the 'area of freedom' immediately in front of the speaker's platform; and something like a clearance having been effected, the chairman was proceeding to put the question.

"Mr. Pettit. 'I move to take up the joint resolution of the gentleman from South Carolina [Mr. Black].'

"The Chairman. 'It is not in order.'

"Now the state of the question before the committee was this:

"Mr. C. J. Ingersoll, from the Committee on Foreign Affairs, had reported the following joint resolution:

"'Joint resolution of notice to Great Britain to "annul and abrogate" the convention between Great Britain and the United

States of the sixth of August, one thousand eight hundred and twenty-seven, relative to the country "on the northwest coast of America, westward of the Stony Mountains," commonly called Oregon.

"'*Resolved, by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the President of the United States forthwith cause notice to be given to the government of Great Britain, that the convention between the United States and Great Britain concerning the Oregon Territory, of the sixth of August, one thousand eight hundred and twenty-seven, signed at London, [shall be annulled and abrogated twelve months after the expiration of the said notice, conformably to the second article of the said convention of the sixth of August, one thousand eight hundred and twenty-seven.]'

"This resolution Mr. C. J. Ingersoll had moved to amend by striking out all that portion embraced in brackets, and inserting, 'shall be annulled and abrogated at the expiration of the term of twelve months from and after said notice shall be given, conformably to the second article of the said convention of the 6th of August, 1827.'

"And Mr. Hilliard had heretofore moved to amend the original resolution by striking out therefrom the words 'forthwith cause notice to be given,' and inserting, 'be empowered, whenever in his judgment the public welfare may require it, to give notice.'

"Mr. C. J. Ingersoll inquired if it would be in order for him to withdraw a single word from the resolution he had offered. He wished to withdraw the word 'forthwith.'

"The Chairman. 'From which proposition—that of the Committee on Foreign Affairs, or that which the gentleman himself introduced?'

"Mr. C. J. Ingersoll. 'From the original proposition. I wish to expunge the word "forthwith."'

"The Chairman. 'It can be done by unanimous consent.'

"Objections were made.

"Mr. Jacob Thompson submitted that the gentleman had a right to modify.

"Mr. G. S. Houston. 'Not to modify the original proposition, for it is the report of a committee.'

"The original resolution was read, as also the amendment proposed by Mr. Ingersoll.

"Mr. Hopkins suggested that, before the question was taken on the motion to strike out, it would be proper to perfect the original resolution, by carrying out the views of the gentleman from Pennsylvania [Mr. C. J. Ingersoll]. It would be remembered, that after one proposition had been stricken out and another inserted, it would not be competent to amend. 'I move, therefore,' continued Mr. H., 'to strike out from the original resolution the word "forthwith."'

"The chairman said the motion would be in order after the question on the pending amendment had been taken.

"Mr. C. J. Ingersoll remarked, that the insertion of the word 'forthwith' was a mistake, and he had at an early day endeavored to make the amendment in the original resolution.

"The chairman said all debate was out of order.

"Mr. Ingersoll. 'I am only stating a fact, not debating.'

"Mr. Preston King inquired of the chairman whether the amendment could not be made by unanimous consent.

"The chairman assented.

"But objections were made.

"Mr. Vinton inquired if the pending amendment was a substitute for the original bill.

"The chairman said not.

"And the chair proceeded to put the question.

"Mr. Dromgoole supposed, he said, that it would be in order now to offer a substitute for the entire report of the Committee on Foreign Affairs, and he sent to the chair the following proposition:

"'Whereas, by the convention concluded on the twentieth day of October, one thousand eight hundred and eighteen, between the United States of America and the King of the United Kingdom of Great Britain and Ireland, it was, in the third article thereof, agreed, that any country that may be claimed by either party on the northwest coast of America, westward of the Stony Mountains, shall, together with its harbors, bays, and creeks, and the navigation of all rivers within the same, be free and open, for the term of ten years from the date of the signature of the present convention, to the vessels, citizens, and subjects of the two powers, it being

well understood that this agreement is not to be construed to the prejudice of any claim which either of the two high contracting parties may have to any part of the said country, nor shall it be taken to affect the claims of any other power or state to any part of said country, the only object of the high contracting parties in that respect being to prevent disputes and differences among themselves: And whereas, by a convention between the same parties, concluded on the sixth of August, one thousand eight hundred and twenty-seven, it was agreed to continue in force for an indefinite period the provisions of the third article of the convention of the twentieth of October, one thousand eight hundred and eighteen, and was also further agreed and provided that it shall be competent, however, to either of the contracting parties, in case either should think fit at any time after the twentieth of October, one thousand eight hundred and twenty-eight, on giving due notice of twelve months to the other contracting party, to annul and abrogate this convention; and it shall, in such case, be entirely annulled and abrogated after the expiration of said term of notice: And whereas it is thought fit, on the part of the United States, to annul and abrogate said convention,

"'*Be it therefore enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the said convention shall be annulled and abrogated at the expiration of twelve months after the date of the delivery to the government of Great Britain of the due notice required to be given.

"'*Be it further enacted*, That the President of the United States is hereby authorized and required, in such solemn and respectful mode as he may deem proper, to cause the said due notice to be given in the name of the United States, one of the contracting parties, to the government of Great Britain, the other contracting party.

"'*Be it further enacted*, That, for the purpose of enabling the President to comply herewith at as early a day as he may think advisable, there be appropriated a sum not exceeding —— dollars, to be used if necessary, and to be paid out of any money in the treasury not otherwise appropriated; but nothing in this act is intended to interfere with the right and discretion of the proper authorities of the two contracting parties to renew

or pursue negotiations for an amicable settlement of the controversy respecting the Oregon Territory.'

"Mr. Hopkins inquired if the question had been taken on the word 'forthwith.'

"The chairman said it had not.

"Mr. Ingersoll. 'Does the amendment which the gentleman from Virginia [Mr. Dromgoole] proposes to offer supplant mine?'

"The Chairman. 'It does not. The gentleman may offer his amendment as a substitute for the whole, but the vote must first be taken on the amendment to the original proposition.'

"The question on Mr. Ingersoll's amendment (given above) to the original resolution of the Committee on Foreign Affairs was then taken, and, without a count, *agreed to*.

"The committee was in a state of great confusion.

"Mr. Hunter rose to inquire whether the vote had been taken on Mr. Ingersoll's amendment, and if so, whether it had been decided in the affirmative.

"The chairman assented.

"Mr. Hunter inquired, then, whether it was in order for his colleague to move to strike out.

"The Chairman. 'The whole, but not a particular part.'

"Mr. C. J. Ingersoll. 'The word "forthwith," Mr. Chairman, is it in or out?'

"The Chairman. 'It is *in*. Does the gentleman move to strike it out?'

"Mr. Ingersoll. 'Certainly, sir.'

"And the motion having been agreed to, the word 'forthwith' was stricken out.

"Mr. Thomasson said he would send to the chair an amendment which he intended to offer if the proposition of the gentleman from Virginia [Mr. Dromgoole] should be voted down.

"The chairman said that the next question before the committee was the amendment of the gentleman from Alabama [Mr. Hilliard, given above].

"Mr. Adams asked the clerk to read the resolution as it would read if that amendment was agreed to; and the clerk having done so, the question was taken, and the vote stood, ayes 56, nays 136. So the amendment of Mr. Hilliard was rejected.

"Mr. Dargan now offered the following, as an addition to the resolution:

"'That the differences existing between the government of the United States and the government of Great Britain, in relation to the Oregon Territory, are still the subject of honorable negotiation and compromise, and should be so adjusted.

"'That the line separating the British provinces of Canada from the United States should be extended due west to the coast south of Frazer's River, and from thence through the center of the Straits of Fuca to the Pacific Ocean, giving to the United States that portion of the territory south, and to the government of Great Britain that portion of the territory north of said line.'

"Mr. J. A. Rockwell called for a division on the first and second clauses of this amendment, which was ordered.

"Mr. Ashmun moved to amend the amendment by striking out the first section, and inserting:

"'Whereas the President of the United States, in his message at the commencement of the present session of Congress, informed Congress that all attempts at compromise of the Oregon Question had failed, it became the duty of Congress to consider what measure it might be proper to adopt for the maintenance of our just title to that territory:

"'Whereas, pursuant to the recommendation of the President, the House of Representatives has been, since the second of January last, assiduously engaged in discussing and maturing measures which have for their object the security of our just rights, among which measures is that of a settlement of the controverted questions by the arbitration of an impartial tribunal:

"'Whereas, while the consideration of these measures has been pending, the President of the United States did, on the fourth day of February instant, notify the government of Great Britain that the government of the United States would not consent to the reference of this question to arbitration in any form which can be devised:

"'Whereas the President has thus taken from Congress the decision of this question, without waiting for the action of Congress upon it: Therefore,

"'*Resolved*, That it is the sense of this House, that the President should be permitted to adopt such further measures relating to this question as, in view of the responsibility which

properly belongs to him, he may deem expedient, without any further expression of opinion by this House.'

"The amendment to the amendment was rejected.

"Mr. J. A. Black offered the following as a substitute for the proposition of Mr. Dromgoole:

"'Whereas, by the third article of the convention between the United States and the King of the United Kingdom of Great Britain and Ireland, of the twentieth of October, one thousand eight hundred and eighteen, it was agreed that any country that may be claimed by either party on the northwest coast of America, westward of the Stony Mountains, shall, together with its harbors, bays, and creeks, and the navigation of all rivers within the same, be free and open, for the term of ten years from the date of said convention, to the vessels, citizens, and subjects of the two powers, but without prejudice to any claim which either of the two contracting parties may have to any part of the said country:

"'And whereas, by another convention between the powers aforesaid, of the sixth of August, one thousand eight hundred and twenty-seven, the said temporary provisions of the third article of the convention of one thousand eight hundred and eighteen aforesaid, were continued indefinitely, and have thus remained in force to the present day:

"'And whereas, by the provisions of the second article of the convention of the sixth of August, one thousand eight hundred and twenty-seven, aforesaid, the right was reserved to either of the aforesaid contracting powers, in case either should think fit, at any time after the twentieth of October, one thousand eight hundred and twenty-eight, on giving due notice of twelve months to the other contracting party, to annul and abrogate the said convention of the sixth of August, one thousand eight hundred and twenty-seven, and thus to terminate the temporary arrangement aforesaid:

"'And whereas the said territory has become settled, to a great extent, with the subjects of Great Britain, through the instrumentality of incorporated companies emanating from said government of Great Britain, and recently by a large number of the citizens of the United States, by direct emigration, so that a longer continuance of the above-recited provisions of the convention aforesaid endangers those friendly relations which

this country desires to maintain with all nations, on honorable and equitable terms:

"'And whereas this government has made repeated and laudable efforts to settle and adjust the claims of both parties in the spirit of liberal compromise, but without success:

"'With a view, therefore, of fixing a limit beyond which the final adjustment of this question, so essential to the peace of the two countries, can not longer be delayed, and, at the same time, affording every possible opportunity to such final adjustment, on terms alike honorable and satisfactory to both parties:

"'*Resolved, by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the President of the United States be requested to give due notice of twelve months to the government of Great Britain, that after the expiration of the said term of notice, the United States of America will annul and abrogate the said convention of the sixth of August, one thousand eight hundred and twenty-seven, so continuing the provisions of the third article of the convention of the twentieth of October, one thousand eight hundred and eighteen, as aforesaid.'

"The question was then taken (by tellers) on the first clause of Mr. Dargan's amendment; and, by ayes 96, noes 102, it was rejected.

"Mr. Thomasson desired to offer an amendment to the original proposition.

"The Chairman. 'It will be in order presently.'

"The question was then stated to be on the second clause of Mr. Dargan's amendment.

"Mr. T. B. King said there was so much confusion that nothing could be heard.

"Tellers were asked and refused.

"Mr. Ashmun. 'They do not even know here what the proposition is.'

"Mr. C. J. Ingersoll. 'Oh, yes, we all know well.'

"[Several voices: 'Yes, we understand it well enough. Go it, 54° 40′.']

"And the question was taken.

"If there was one affirmative voice, the reporter did not hear it; the negative vote came down in tones loud enough to split the columns, and amid the heartiest roars of laughter.

"So the second clause of the amendment was rejected.

"Mr. Thomasson wished (he said) to offer an amendment to the original resolution, which, in all seriousness—

"The Chairman. 'No remarks are in order.'

"Mr. Thomasson then offered an amendment, giving to the President the power to give the notice at such time as he might deem proper (thus striking out the limit as to the twelve months).

"The Chairman. 'The amendment is out of order.'

"Mr. John A. Rockwell. 'I propose to strike out the whole of the original resolution, and insert—'

"The Chairman. 'Not in order at present.'

"Mr. Rockwell. 'I think I can obviate the difficulty. Is it out of order to offer a substitute?'

"The Chairman. 'There is a substitute already offered, and a substitute for that; and that is as far as can be gone.'

"Mr. Rockwell then moved to insert in the original resolution, after the words 'to states,' the words 'be and he is hereby authorized at his discretion;' also, before the resolution, to insert the following preamble:

"'Whereas, by the convention concluded the twentieth day of October, one thousand eight hundred and eighteen, between the United States of America and the King of the United Kingdom of Great Britain and Ireland, for the period of ten years, and afterward indefinitely extended and continued in force by another convention of the same parties, concluded the sixth day of August, in the year of our Lord one thousand eight hundred and twenty-seven, it was agreed that any country that may be claimed by either party on the northwest coast of America, westward of the Stony or Rocky Mountains, now commonly called the Oregon Territory, should, together with its harbors, bays, and creeks, and the navigation of all rivers within the same, be "free and open" to the vessels, citizens, and subjects of the two powers, but without prejudice to any claim which either of the parties might have to any part of said country; and with this further provision, in the second article of the said convention of the sixth of August, one thousand eight hundred and twenty-seven, that either party might abrogate and annul said convention on giving due notice of twelve months to the other contracting party:

"'And whereas it has now become desirable that the re-

spective claims of the United States and Great Britain should be definitely settled, and that said territory may no longer than need be remain subject to the evil consequences of the divided allegiance of its American and British population, and of the confusion and conflict of national jurisdictions, dangerous to the cherished peace and good understanding of the two countries:

"'With a view, therefore, that steps be taken for the abrogation of the said convention of the sixth of August, one thousand eight hundred and twenty-seven, in the mode prescribed in its second article, and that the attention of the governments of both countries may be the more earnestly and immediately directed to the renewed efforts for the settlement of all their differences and disputes in respect to said territory.'

"Also, to add the following proviso:

"'*Provided, however*, That, in order to afford ample time and opportunity for the amicable settlement and adjustment of all their differences and disputes in respect to said territory, said notice ought not to be given till after the close of the present session of Congress.'

"Mr. Bowlin suggested that the committee had already voted on the amendment, and that it was not, therefore, in order.

"The Chairman. 'Not in the same words.'

"The question on the first and last of these amendments was taken, and they were *rejected.* On the other one no question was taken; but whether it was withdrawn or overlooked, in the great confusion of the hall, the reporter can not say.

"Mr. Ramsey now moved to strike out all after the word 'resolved,' and insert 'that the Oregon Question is no longer a subject of negotiation or compromise.'

"Tellers were ordered, and ten members passed between them, amid shouts of laughter, cries of '54° 40′ forever,' clapping of hands, and stamping of feet, which the chairman was some time in suppressing; and the negative vote was then taken, and stood 146. So the amendment was *rejected.*"

The record does not furnish the names of the *ten* who voted in the affirmative, but we give them as follows:

Alexander Ramsey, of Pennsylvania!
Archibald Yell, of Arkansas!!
William Sawyer, of Ohio!!!
Joseph B. Hoge, of Illinois!!!!

Robert Smith, of Illinois!!!!!
Stephen A. Douglas, of Illinois!!!!!!
Cornelius Darragh, of Pennsylvania!!!!!!!
John A. M'Clernand, of Illinois!!!!!!!!
Felix G. M'Connell, of Alabama!!!!!!!!!
John Wentworth, of Illinois!!!!!!!!!!

"Mr. Tredway offered an amendment, providing for the termination of the convention at the end of two years after notice, &c.

"The Chair. 'It is a substitute, and not in order.'

"Mr. Schenck offered an amendment to the original resolution. 'It was,' he said, 'the same as the first clause of Mr. Dargan's proposition, but striking out the words "and compromise,"' &c.

"The amendment was read as follows:

"'That the differences existing between the government of the United States and the government of Great Britain, in relation to the Oregon Territory, are still the subject of honorable negotiation, and should by that means be adjusted.'

"Tellers (Messrs. Douglas and M'Dowell) were appointed, and the vote was taken (amid very great confusion) and announced—first, the reporter understood, as ayes 102, noes 99, and then as ayes 101, noes 99. So the amendment was agreed to. But some dissatisfaction appeared to exist, and a new count was called for.

"Mr. Douglas (one of the tellers) was understood to say that some difficulty had arisen; the members having passed through very rapidly, a mistake might possibly have occurred; but he entertained no doubt that the vote, as reported, was correct.

"The chairman ordered another count.

"Mr. Rhett. 'Did not the chairman distinctly announce that the amendment was carried?'

"The chairman assented.

"Mr. Rhett. 'Then I object to the vote being again taken.'

"The Chairman. 'The tellers say that some difficulty had arisen, and some mistake may have occurred.'

"The chair, therefore, ordered a new count. 'The gentleman from Illinois [Mr. Douglas] and the gentleman from Ohio [Mr. M'Dowell] will be pleased again to act as tellers.'

"Mr. Schenck suggested that it was, he believed, the rule

(or practice), that tellers should be appointed from different sides of the House.

"The Chairman. 'The chair has no objection; and, therefore, appoints the gentleman from Ohio [Mr. Schenck] himself, and the gentleman from Alabama [Mr. Chapman], tellers.'

"So Mr. Schenck took up his line of march from the remote part of the hall in which his quarters lie, and posted himself at the center aisle.

"Mr. John H. Ewing inquired whether the chairman had the right to order a new vote on a question which he had already declared to have been decided.

"[Several voices: 'No debate.']

"Mr. Ewing. 'It is a question of order. When the question was taken, and the chairman had announced his decision, there was an end of it.'

"The Chairman. 'If the gentleman wishes to appeal, he has the right to do so.'

"Mr. Ewing declined to appeal; though, he said, he supposed it was the only way in which the question could be reached.

"Mr. Schenck. 'I appeal. I understand that the proposition was carried, and that it was distinctly announced so. If the chairman now says that another count can be taken, I appeal from the decision.'

"The Chairman. 'Certainly the chair had announced that the question was decided in the affirmative. The tellers expressed doubt on the subject. They say it is possible that a miscount may have taken place, as they had some difficulty; and, under these circumstances, the chair ordered a recount.'

"Mr. Rhett. 'I think the chairman has erred in this particular. He had no right—'

"[Great confusion, and calls to order.]

"Mr. Grider. 'I should like the tellers to state whether they had doubts, and what was the extent of their doubts.'

"Mr. Roberts submitted that tellers having been again ordered, it was too late to take an appeal.

"Mr. Pendleton desired information as to a matter of fact. 'In the first annunciation of the affirmative vote by the tellers, was it not formally declared that the vote was 102? It was now 101.'

"Mr. Douglas explained that one member changed his vote.

"Mr. Vinton desired to be informed whether both of the tellers counted, and whether there was any difficulty about the count. It was, he believed, the duty of both to count, and then to report the result to each other before reporting it to the committee.

"Mr. Henley made a remark (of which nothing was heard by the reporter).

"Mr. Douglas said that both the tellers did count. The members passed between them very rapidly, and there might possibly have been a miscount; but he believed the report, as made to the House, was accurate.

"The chairman was about to take the question on the appeal.

"Mr. Yancey asked what the decision was from which an appeal had been taken.

"The chairman enlightened him.

"Mr. Bayly rose for information as to a matter of fact. He had understood the gentleman from Illinois [Mr. Douglas] to state that the tellers had agreed, and he believed the count to be correct. Was this so?

"The chairman again invited members to take their seats.

"Mr. Ashmun moved, that when the chair appointed tellers, one should be taken from each side of the House.

"The chairman again explained what his decision was, and that there had been doubt on the part of the tellers.

"Mr. Bayly. 'Have the tellers said so?'

"Mr. Collamer. 'We do not understand them to have said so.'

"Mr. Schenck. 'Do the tellers undertake to say that the count was inaccurate? Has not the gentleman from Illinois [Mr. Douglas] said he believed it to be correct?'

"The Chairman. 'Both say that there was great confusion, and that a mistake might have occurred.'

"Mr. Schenck. 'I ask again, whether the gentleman from Illinois, one of the tellers, did not say that, notwithstanding the confusion, he believed the count to be accurate?'

"The chairman did not reply.

"'Therefore,' continued Mr. Schenck, 'on this mere possibility, the chair orders a recount.'

"The question was then taken, 'Shall the decision of the chair stand as the judgment of the committee?' and was decided in the negative, ayes 90, noes 108. So the decision of

the chair was reversed; and therefore the amendment of Mr. Schenck was declared to have been agreed to.

"Mr. W. Hunt asked for the reading of the resolution as now amended; and it was read.

"Mr. Schenck moved that the committee rise and report the resolution.

"[Many voices: 'Oh, no, you can't do that.']

"The Chairman. 'There are other amendments.'

"Mr. Schenck withdrew his motion.

"The chairman said, the question would now be on the substitute of the gentleman from South Carolina [Mr. Black], to the substitute of the gentleman from Virginia [Mr. Dromgoole].

"Both propositions were read.

"Mr. G. S. Houston inquired whether it would be in order to amend the proposition of the gentleman from Virginia before the question on the substitute of the gentleman from South Carolina was put.

"The chairman answered affirmatively.

"Mr. Houston proposed, then, to modify it, by inserting in the second section, after the word 'months,' the words 'conformably to the second article of said treaty of the 6th of August, 1827;' and also to amend it by striking out the appropriation in the third section, and throwing the latter clause thereof into the form of a proviso. *Rejected.*

"Mr. Houston called for a division.

"Mr. Thurman moved to strike out the third section of Mr. Dromgoole's substitute.

"Mr. Haralson said that the amendment was not in order, because the vote had not been taken on the amendment of the gentleman from Alabama [Mr. Houston].

"The Chairman. 'Did the gentleman call for a division?'

"Mr. Houston said he had done so. There was a misunderstanding, he thought, as to the question before the committee.

"Tellers were refused; but a division of the question, on the suggestion of Mr. Boyd, was ordered.

"Mr. Seaborn Jones called for the reading of the resolution and amendment. *Read.*

"The question was then taken, and the two amendments were rejected, *seriatim.*

"Mr. Adams, of Mississippi, proposed to offer an amendment,

which the chairman said was not in order, and which was not read.

"Mr. Thurman renewed the motion to strike out the third section of Mr. Dromgoole's substitute.

"After an inquiry by Mr. Boyd as to the state of the question, Mr. Thurman inquired whether the chair had announced that the proposition of the gentleman from Alabama [Mr. Houston], to strike out a portion of the third section of the substitute of the gentleman from Virginia, had been carried.

"The Chairman. 'The motion was lost.'

"The question was then taken on the motion of Mr. Thurman, and it was rejected.

"Mr. Stephen Adams proposed so to amend Mr. Black's substitute as to add a proviso that the joint resolution should not be so construed as to interfere with the treaty-making power upon the question.

"Mr. M'Gaughey rose to a question of order. The proposition of the gentleman from Virginia was offered as a substitute for the original resolution; so, also, was the substitute of the gentleman from South Carolina. Now Mr. M'Gaughey submitted that there could not be two substitutes entertained at the same time.

"The chairman said he thought the gentleman was correct. The clerk at first had intimated his opinion that the amendment was in order, but he changed his opinion. So the amendment was not in order [*i. e.*, Mr. Adams's amendment].

"Mr. Black. 'Is not this in order as a substitute?'

"The Chairman. 'The proposition now is to strike out the proposition of the gentleman from Virginia, and insert the substitute of the gentleman from South Carolina.'

"Mr. Seaborn Jones said that, if in order, he would move an amendment to the substitute.

"Mr. Biggs was understood to inquire whether the question was on the proposition of the gentleman from South Carolina.

"The Chairman. 'That is the question now before the committee.'

"Mr. Ashmun. 'I understood the chairman to rule that that was out of order.'

"The Chairman. 'No. The chair ruled that the amendment of the gentleman from Mississippi [Mr. Adams] was out of order.'

"Mr. Boyd. 'I would like to know whether we are now called upon to vote on the second substitute? Or is it in order to amend it?'

"The Chairman. 'Not at present.'

"Mr. Boyd. 'Will it be in order, if adopted as a substitute for the substitute of the gentleman from Virginia?'

"The Chairman. 'If the proposition of the gentleman from South Carolina should be voted down, the gentleman can offer a modification.'

"Mr. Boyd. 'Is it in order now to move to strike out and amend?'

"The Chairman. 'No; because there is already an amendment to an amendment pending.'

"Mr. Faran read a passage from the Manual having reference to this point.

"Mr. Culver called for the reading of the resolution without the preamble. *Read.*

"Mr. Fries desired to make an inquiry.

"[Cries for the question.]

"The Chairman. 'Order. The gentleman will make his inquiry.'

"Mr. Fries. 'I will, when the committee comes to order. If the committee substitute the amendment of the gentleman from South Carolina for the amendment of the gentleman from Virginia, will it be in the power of the committee to amend it?'

"The Chairman. 'It will not.'

"[Several voices: 'Vote it down, and offer a modification.']

"And the question being then taken, the substitute of Mr. Black was *rejected.* So the question again recurring on the substitute of Mr. Dromgoole,

"Mr. Boyd moved to amend it by striking out all, and inserting the following:

"*Resolved, by the Senate and House of Representatives of the United States of America, in Congress assembled,* That the President of the United States cause notice to be given to the government of Great Britain, that the convention between the United States of America and Great Britain concerning the territory on the northwest coast of America, west of the Stony or Rocky Mountains, of the sixth day of August, one thousand eight hundred and twenty-seven, signed at London,

shall be annulled and abrogated twelve months after giving said notice.

"*Resolved*, That nothing herein contained is intended to interfere with the right and discretion of the proper authorities of the two contracting parties to renew or pursue negotiations for an amicable settlement of the controversy respecting the Oregon Territory."

"Mr. Clarke asked the reading of the amendment to the original resolution. *Read.*

"Mr. Thomasson rose to a question of order. 'Could the gentleman from Kentucky [Mr. Boyd] offer his proposition as a substitute for both propositions now pending?'

"The Chairman. 'It is offered only as a substitute for the proposition of the gentleman from Virginia.'

"Mr. M'Gaughey pressed the point of order raised by Mr. Thomasson. 'The proposition of the gentleman from Virginia was offered as a substitute for the original report from the Committee on Foreign Affairs. This was now offered as a substitute of the other substitute, and could not be in order.'

"The Chairman. 'No debate is in order.'

"Mr. Boyd. 'I offer it as an amendment. It strikes out all the proposition of the gentleman from Virginia, and substitutes the word "resolved" for the words "be it enacted."'

"Mr. C. J. Ingersoll. 'Is the gentleman's proposition divisible?'

"The chairman said it was not, because the gentleman had offered it as a substitute for the whole.

"After an inquiry by Mr. Tredway, the question was taken by tellers, and the vote stood, ayes 110, noes 93. So the amendment was *agreed to.*

"The question then recurred on the proposition of Mr. Dromgoole as thus amended.

"On the suggestion of Mr. Boyd, the two propositions were again read.

"Mr. Thomasson asked that his proposition of amendment might be read; because, if the House rejected the present proposition, he should offer his.

"The amendment of Mr. Thomasson was read. It declares it expedient to annul the convention, and authorizes the President to give the notice at such time as he may deem the public interests require.

"Mr. Jacob Thompson inquired whether the proposition of the gentleman from Kentucky [Mr. Boyd] was susceptible of amendment.

"The chairman said not.

"Mr. Thompson. 'It is *not* susceptible of amendment?'

"The Chairman. 'It is not.'

"Mr. Thompson. 'Is it susceptible of division?'

"The Chairman. 'It is not.'

"Mr. Burt desired to know whether, if the proposition of the gentleman from Kentucky should be adopted as a substitute for that of the Committee on Foreign Affairs, it would be subject to amendment.

"The chairman said not.

"Mr. Burt. 'Is it subject to amendment now?'

"The Chairman. 'It is not. It must first be voted down.'

"Mr. Burt. 'I beg to understand the chair. The proposition of the gentleman from Kentucky, if I understand, will not be subject to amendment in any event, either now, or if it should be adopted as a substitute?'

"The Chairman. 'It would not be subject to amendment.'

"Mr. Burt. 'Well, sir.'

"Mr. Schenck rose to a point of order. An original resolution, containing a distinct proposition, had come from the Committee on Foreign Affairs. That was amended by the insertion of another distinct proposition. A motion was now made to strike out the whole, and substitute another proposition. He submitted that the distinct proposition on which the committee had voted, and which had been inserted, could not be stricken out, either alone, or in connection with other matter.

"And, to sustain himself on this point of order, he desired to read an extract from the Manual, which the chairman said he would be very happy to hear.

"And the extract having been read, the chairman overruled the point of order.

"Mr. Schenck. 'I submit that the second resolution is a distinct proposition, not so connected with the other part that a motion to strike out the whole can be entertained.'

"The Chairman. 'The two resolutions being only a series of resolutions in reference to the same matter, the whole series may be stricken out, although one of the resolutions may have been inserted.'

"Tellers were then appointed, and the vote having been taken, stood ayes 109, noes 94. So the amendment as amended was *agreed to.*

"Mr. Pettit moved that the committee rise, and report the joint resolution to the House.

"Mr. Cobb submitted a similar motion.

"Mr. E. H. Ewing desired to offer an amendment.

"The Chairman. 'Not in order. The committee have nothing now to do but to rise and report.'

"Mr. Baker. 'Is there no amendment pending?'

"The Chairman. 'None.'

"Mr. C. J. Ingersoll. 'I have an amendment I desire to offer.'

"The Chairman. 'No amendment is now in order.'

"Mr. C. J. Ingersoll. 'Why?'

"The Chairman. 'The chair can not enter into a disquisition on the reasons why.'

"The question having been then taken and agreed to, the committee rose, and the chairman reported that the Committee of the Whole on the State of the Union had had under consideration the state of the Union generally, and particularly the joint resolution concerning the Territory of Oregon, and that the committee had instructed him to report the same to the House with one amendment.

"And the question being on concurring with the committee, Mr. Bowlin demanded the previous question.

"Mr. Price not hearing him, remarked that the question had been fully and ably discussed, and he would therefore move the previous question.

"Mr. R. Chapman made an earnest appeal to Mr. Bowlin to withdraw the demand. There were a few members who were very desirous to be heard, and who, for some days past, had been endeavoring to get the floor. He was himself desirous that the subject should be acted on to-day, but why should the question be taken when there was ample time left to hear those who ought to be heard, and had a right to be heard?

"Mr. Bowlin was immovable.

"Mr. Chapman gave notice of his intention to expose the injustice that was done.

"The question on the demand for the previous question was then taken, and there was a second.

"Mr. Pendleton asked the yeas and nays on ordering the main question, which were refused.

"And the main question was ordered to be now taken.

"Mr. C. J. Ingersoll asked the yeas and nays thereon, which were ordered.

"Mr. Jacob Thompson called for the reading of the proposition before the House, which having been read, Mr. Thompson asked for a division of the question.

"Mr. George W. Jones asked what the precise state of the question was.

"The speaker explained, and a brief conversation ensued on a point of order between the chair and Mr. Hamlin.

"Mr. Jacob Thompson inquired of the chair whether, if the amendment of Mr. Boyd should be concurred in, the question would not then be on the engrossment of the joint resolution as amended, and could not the question then be divided?

"The speaker said no; the question of division, if at all, must be taken now.

"And it was ordered, on a call to that effect in one or two quarters.

"The reading of the proposition was called for. *Read.*

"After a remark from the speaker that gentlemen called for the reading of the resolution, and then made so much noise that nothing could be heard, a brief conversation on a point of order took place between Mr. Milton Brown and the speaker.

"Mr. Winthrop said, if he correctly understood, the first branch of the proposition was precisely tantamount to the original report of the Committee on Foreign Affairs. It was a question merely whether we should substitute one thing for another. He suggested, therefore, that, by general consent, the taking of the yeas and nays on the first branch should be dispensed with.

"Strong objections made.

"Mr. Boyd. 'Is it competent to divide this question when the committee have reported it to the House as an entire proposition? As such, I think the vote should be taken upon it.'

"The Speaker. 'The chair has decided that question.'

"Mr. Boyd appealed from the decision.

"Mr. Vance said that the chairman of the committee had positively decided that the proposition could not be divided.

After it had been reported to the House, a division was proposed. Could that be done in accordance with the rules of the House and the decision of the chairman of the committee?

"The Speaker. 'This question came up on a previous occasion in connection with a certain bill. The chair then decided that the proposition could not be divided. The chair, under similar circumstances, would so decide. But in the present case, the chairman of the committee reported a certain amendment. It came before the House in the form of a report. It contains two distinct propositions; and when the House comes to act on the question of concurrence with the report of the committee, it is competent for it to divide the question. The chair asks the clerk to read the precedent.'

"Which having been done, Mr. Boyd appealed from the decision. He simply wished, he said, to refer to the fact that in committee he had offered this proposition as a substitute for the original resolution. That was the report which the committee ordered to be made to the House as a whole, as a substitute, and now it was proposed to kill it piecemeal by dividing it. If such was not the report of the chairman, then he had not reported what the committee desired and instructed him to report.

"The Speaker. 'No debate is in order.'

"Mr. Boyd. 'I ask simply that the vote may be taken upon the report of the committee.'

"Mr. Dromgoole rose to inquire whether the chairman of the Committee of the Whole on the State of the Union had not made a report of one simple amendment to the proposition originally submitted, and whether the only question now was not on concurring with the committee in their proposed amendment to the original proposition? If so, was it ever heard or dreamed that the question of concurrence was divisible?

"Mr. Tibbatts (the chairman) rose to a matter of fact.

"The Speaker. 'This debate is all out of order.'

"Mr. Tibbatts. 'I reported an entire substitute for the original proposition; and I concur with my friend that the question is not divisible. I so decided in committee; and I recollect a case where I was myself overruled on a former occasion, although, as I think, against all rule, on a decision that a motion to strike out and insert was not divisible.'

"Mr. Houston proceeded to make a remark.

"The Speaker. 'The chair has again and again stated that the question is not debatable.'

"Mr. Collamer inquired, 'If a vote should be taken in reference to this question of concurrence, and the House should not concur in the last proposition, what would be the next question put?'

"The speaker said, 'On the engrossment of the joint resolution.'

"Mr. Collamer. 'Not, then, on the amendment which the committee made?'

"The Speaker. 'On the original resolution.'

"The question was then taken, 'Shall the decision of the chair stand as the judgment of the House?' and decided in the negative. So the decision of the chair was *reversed;* and the House decided that the question was *not* divisible."

No *vote* was taken on the immediate question of the *passage* of the resolution, for, says the record, "it was decided in the affirmative without a division;" but, on the question of ordering it to be engrossed for a third reading—a test of the ultimate fate of the measure—the yeas and nays were taken, and are found thus recorded:

"Yeas: Messrs. John Quincy Adams, Stephen Adams, Anderson, Arnold, Atkinson, Baker, Barringer, Bell, Benton, Biggs, James Black, James A. Black, Blanchard, Bowlin, Boyd, Brinckerhoff, Brockenbrough, Brodhead, William G. Brown, Buffington, William W. Campbell, John H. Campbell, Cathcart, Reuben Chapman, Chase, Chipman, Clarke, Cobb, Collin, Constable, Cullom, Culver, Cummins, Cunningham, Daniel, Darragh, Jefferson Davis, Delano, De Mott, Dillingham, Dobbin, Douglas, Dromgoole, Dunlap, Edsall, Ellsworth, Erdman, John H. Ewing, Faran, Ficklin, Foster, Fries, Garvin, Giddings, Giles, Goodyear, Gordon, Graham, Grider, Grover, Hamlin, Hampton, Haralson, Harmanson, Harper, Henley, Hilliard, Hoge, Elias B. Holmes, Hopkins, Hough, George S. Houston, Hungerford, Washington Hunt, James B. Hunt, Charles J. Ingersoll, Jenkins, James H. Johnson, Joseph Johnson, Andrew Johnson, George W. Jones, Seaborn Jones, Kennedy, Preston King, Lawrence, Leib, La Sere, Lewis, Levin, Ligon, Lumpkin, Maclay, M'Clean, M'Clelland, M'Clermand, M'Connell, M'Crate, M'Dowell, M'Gaughey, M'Henry, M'Il-

vaine, M'Kay, John P. Martin, Barclay Martin, Morris, Morse, Moulton, Niven, Norris, Owen, Parish, Payne, Perrill, Perry, Pettit, Phelps, Pollock, Price, Ramsey, Rathbun, Reid, Relfe, Ritter, Roberts, Root, Runk, Russell, Sawtelle, Sawyer, Scammon, Schenck, Seaman, Severance, Leonard H. Sims, Albert Smith, Thomas Smith, Robert Smith, Stanton, Starkweather, Stewart, St. John, Strong, Sykes, Thomasson, Jas. Thompson, Jacob Thompson, Thurman, Tibbatts, Tilden, Towns, Trumbo, Vance, Wentworth, Wheaton, White, Wick, Williams, Wilmot, Woodruff, Woodworth, Yell, Young, and Yost—163.

"Nays: Messrs. Abbott, Ashmun, Bayly, Bedinger, Milton Brown, Burt, John G. Chapman, Augustus A. Chapman, Cocke, Collamer, Cranston, Crozier, Dargan, Garrett Davis, Dixon, Dockery, Edwin H. Ewing, Foot, Gentry, Grinnell, Herrick, Isaac E. Holmes, John W. Houston, Edmund W. Hubard, Samuel D. Hubbard, Hudson, Hunter, Joseph R. Ingersoll, Daniel P. King, Leake, Long, Marsh, Miller, Moseley, Pendleton, Rhett, Julius Rockwell, John A. Rockwell, Seddon, Alex. D. Sims, Simpson, Truman Smith, Caleb B. Smith, Stephens, Strohm, Thibodeaux, Benj. Thompson, Toombs, Tredway, Vinton, Winthrop, Woodward, Wright, and Yancey—54."

So the joint resolution was passed.

It was then sent to the Senate, to which body the plan of our work does not, at this moment, require us to follow it, except for the purpose of stating general results. Details will find an appropriate place as we proceed with our labors. The debate, however, was one of the most interesting and extraordinary of which any trace can be found in our legislative annals. While the issues of peace and war were yet trembling in the balance, the Senate was absorbed in nice philological and metaphysical disquisitions as to what the intent and meaning of the President concerning the territory truly was; whether fifty-four degrees forty minutes did not, in fact, mean forty-nine degrees of north latitude, and *vice versâ*. The usual interpretation of words applied to the language of the President failed, for some cause not penetrable by the eyes of ordinary mortals, to dispel the mystery. Lexicographers, cheerfully confided in by men as to all the common transactions of life, were abandoned in despair. The English language had ceased to be an intelligible idiom. Not the least striking char-

acteristic of this state of uncertainty and confusion was, that he who, by one breath of his nostrils, could have dissipated every doubt, reposed in the White House apparently unmoved as alabaster, while the two divisions of his friends in the Senate were vainly endeavoring to expound his doctrine. Each of these divisions claimed him as its own—the one for fifty-four forty, the other for forty-nine. The alternations of hope and disappointment in the one and the other, as each appeared day by day to have gained some new light which would definitely solve the problem, were strange to look upon. To-day, a senator, peacefully inclined to the parallel of forty-nine, would make manifest, in an elaborate argument, the identity of the President's views with his own. To-morrow, a senator of the latitude of fifty-four forty would demonstrate, in words of fire, how deplorably benighted as to the views and objects of the President the senator of forty-nine had shown himself, and how impossible it was that the President COULD, even in contemplation, recede from the position he had taken before all mankind, and adopt that parallel.

One of these scenes is of so extraordinary a character, that we can not more interest our readers, we think, than by transferring it from the record of the 5th of March, 1846.

Mr. Haywood, of North Carolina, had been making a speech, the main object of which was to show the peaceful tendencies of the President on this disputed question, and his willingness to compromise on the basis of forty-nine.

"Mr. Hannegan then rose and said:

"'I must apologize to the Senate for obtruding myself upon its attention at this advanced period of the day, particularly as I have already occupied its attention on several occasions in the course of this debate.

"'Before I proceed to make any reply to the speech of the senator from North Carolina—the most extraordinary speech to which I have ever listened in the course of my life—I desire, through the Vice-president, to put a question to him which I have committed to writing. It is this: I ask him if he has the authority of the President, directly or indirectly, for saying to the Senate that it is his (the President's) wish to terminate the Oregon Question by compromising with Great Britain on the forty-ninth degree of north latitude?'

"Mr. Haywood. 'Is the Vice-president to be the catechist?'

"Mr. Hannegan. 'I put the question in the usual way, through the chair.'

"Mr. Haywood. 'I have already said what, for fear of mistake, I had previously written, and which I shall print. It would be unwise and impolitic for the President to authorize any senator to make such a declaration as that implied in the question of the senator from Indiana.'

"Mr. Allen [chairman of the Committee on Foreign Relations]. 'I desire to say that I construe the answer of the senator from North Carolina into a negative.'

"Mr. Haywood. 'Then I desire to say that my friend from Ohio only proves what I have shown on a former occasion, that he is a very bad hand at construction.'

"Mr. Allen. 'Well, then, I will adopt the other construction, and consider his answer as an affirmative; and I put the question, and demand an answer to it as a public right. The senator here has assumed to speak for the President. His speech goes to the world; and I demand, as a public right, that he answer the question, and, if he won't answer it, I stand ready to deny that he has expressed the views of the President.'

"Mr. Haywood said that, had he occupied the station of chairman of a very important committee, placing him in very confidential intercourse with the President, and had attributed opinions to the President which he could not establish when interrogated, he would *quit*. But his constituents had not sent him here to answer questions which no one had a right to propound to him. What he had spoken, he had written—no, he had written it before he had spoken, and he should print it.

"Mr. Westcott. 'I call the senator to order.'

"Mr. Haywood. 'You needn't be uneasy, sir. No senator has a right to make demands upon me on this floor, or any where else, unless I give him reason. I would do almost any thing in a kind way, out of doors, which could be done in reason and honor; and I confess I do a great many things that I look on as humiliating after they are done, rather than have discord in the Democratic party. I do not recognize the right of any one to make demands on me when I have submitted to the Senate what I had to say, what I wrote before I said it, and what I shall print afterward.'

"Mr. Allen. 'I do not demand an answer as any personal right at all. I demand it as a public right. When a senator assumes to speak for the President, every senator possesses a public right to demand his authority for so doing. An avowal has been made that he is the exponent of the views of the President upon a great national question. He has assumed to be that exponent. And I ask him whether he has the authority of the President for the assumption?'

"Mr. Westcott. 'I call the honorable senator from Ohio to order. I object to the President's personal opinions or purposes being made the subject of inquiry on the floor.'

"Mr. Allen and Mr. Hannegan rose simultaneously.

"Mr. Hannegan yielded, observing that he was not so anxious to speak but that he could yield the floor to any body.

"Mr. Allen. 'I have not asked what the opinions of the President are.'

"Mr. Haywood. 'Will the senator allow me to interrupt him for one moment? I am not at all excited—not at all. I do not see any catechism in the rules of order. I deny the right of any senator to put questions to me in this way. I have not assumed to speak by authority of the President.'

"Mr. Allen. 'Then the senator takes back his speech?'

"Mr. Haywood. 'Not at all; but I am glad to see that my speech *takes*.'

"Mr. Allen. 'With the British.'

"Mr. Hannegan. 'Well, the senator from North Carolina has not suffered his speech to get into print this morning, so as to give a fair opportunity of replying. All sketches even of his speech have been, by his "special request," withheld in the papers.'

"Mr. Haywood replied, that, as he had taken a very important and responsible position, he wished to avoid the possibility of misconstruction, and therefore desired to report his speech himself. For fear of mistake, he had taken that course; and he thought he was justified in it by the fact that one of the papers (the Times) had really been quite unable to make out the drift of his remarks yesterday, and had positively set him down as making a long speech in favor of settling the question by arbitration.

"Mr. Hannegan. 'I do not deem it material whether the

senator from North Carolina gives a direct answer to my question or not. It is entirely immaterial. He assumes—no, he says there is no assumption about it—that there is no meaning in language, no truth in man, if the President any where commits himself to 54° 40′, as his flattering friends assume for him. Now, sir, there is no truth in man, there is no meaning in language, if the President is not committed to 54° 40′, in as strong language as that which makes up the Holy Book. From a period antecedent to that in which he became the nominee of the Baltimore Convention, down to this moment, to all the world he stands committed for 54° 40′. I go back to his declaration made in 1844 to a committee of citizens of Cincinnati, who addressed him in relation to the annexation of Texas, and he there uses this language, being then before the country as the Democratic candidate for the chair which he now fills.'

"Mr. Crittenden. 'What is the date?'

"Mr. Hannegan. 'It is dated the 23d of April.'

"[Mr. Hannegan here read an extract from Mr. Polk's letter to the committee of the citizens of Cincinnati.]

"'Here,' Mr. Hannegan continued, 'Mr. Polk expressed the opinion that the Union ought never to have been "dismembered" by the separation of Texas. Did the speech of the senator from North Carolina sustain the principle of this declaration? Let the world judge.'

"[Mr. Hannegan went on to read another extract, where it was declared we ought to assert and hold our right of dominion over the whole territory of the republic.]

"'Who, then,' asked Mr. Hannegan, 'defines the limits of Oregon? Has not the President himself defined them in his message?'

"Mr. Hannegan then quoted from the President's Message the following paragraph:

"'The extraordinary and wholly inadmissible demands of the British government, and the rejection of the proposition made in deference alone to what had been done by my predecessors, and the implied obligation which their acts seemed to impose, afford satisfactory evidence that no compromise which the United States ought to accept, can be effected. With this conviction, the proposition of compromise which had been made and rejected was, by my direction, subsequently withdrawn,

and our title to the whole Oregon Territory asserted, and, as is believed, maintained by irrefragable facts and arguments."

"'What,' continued Mr. Hannegan, 'does the President here claim? Up to 54° 40′, every inch of it. He has asserted that claim, and is, as he says, sustained "by irrefragable facts and arguments." But this is not all. I hold that the language of the Secretary of State is the language of the President of the United States; and has not Mr. Buchanan, in his last communication to Mr. Pakenham, named 54° 40′ in so many words? He has. The President adopts this language as his own. He plants himself on 54° 40′. I well remember that the President was the choice neither of myself, nor—I beg his pardon, I should have named the senator first—neither of the senator from North Carolina nor of myself. Neither of us preferred him. Both of us had another choice. And I must confess I am most happy to see that, since his election, he has grown so much in favor with my friend from North Carolina as to induce him to come here with a valorous defense against attacks never made—never made, sir. But this I will say—and make it an attack, if you please—if the President has betrayed that standard which the Baltimore Convention put into his hands, and whereby he committed himself to the country, into the hands of the enemy, I will not do, as the senator from North Carolina threatens, turn my back upon him—I suppose he cares little whether both of us do that—but I shall hold him recreant to the principles which he professed, recreant to the trust which he accepted, recreant to the generous confidence which a majority of the people reposed in him. I shall not abandon the principles of the Democratic party. I shall not abate one jot or tittle of the principles we gave to the country then; I shall sustain them; but I shall hold and exercise the privilege of speaking of him in the language of truth and fearlessness. The senator from North Carolina attempted to speak of the resolution of the Baltimore Convention. I ask him if he seriously meant his statement of it as a fair exhibition of its substance. If so, it was unworthy of the senator to—'

"Mr. Haywood. 'I took the resolution from Mr. Breese's speech—the only place, I believe, I ever saw it. Here it is:

"'*Resolved*, That our title to the whole of the Territory of Oregon is clear and unquestionable; that no portion of the same

ought to be ceded to England or any other power; and that the reoccupation of Oregon, and the reannexation of Texas at the earliest practicable period, are great American measures, which the Convention recommends to the cordial support of the democracy of the Union.'

"Mr. Hannegan. 'There is a great deal of difference between that and the statement of it given by the senator. The Democratic party is thus bound to the whole of Oregon—every foot of it; and let the senator rise in his place who will tell me in what quarter of this Union—in what assembly of Democrats in this Union, pending the presidential election, the names of Texas and Oregon did not fly together, side by side, on the Democratic banners. Every where they were twins—every where they were united. Does the senator from North Carolina suppose that he, with his appeals to the democracy, can blind our eyes, as he thinks he tickled our ears? He is mistaken. "Texas and Oregon" can not be divided; they dwell together in the American heart. Even in Texas, I have been told, the flag of the lone star had inscribed on it the name of Oregon. Then it was all Oregon. Now, when you have got Texas, it means just so much of Oregon as you in your kindness and condescension think proper to give us. You little know us if you think the mighty West will be trodden on in this way. Let gentlemen look at their own recorded votes in favor of taking up the Oregon Bill at the close of the last session, and then let them look at the language of that bill, and see if it did not propose to take possession of Oregon up to 54° 40′, after giving unqualified notice to Great Britain that the convention must cease. At that time we still held Texas in our hands; and this was a test question; and every man in the Senate voted for it save the senator who sat there (understood to refer to Mr. M'Duffie) and the peerless Huger. And that most excellent senator (Huger) had afterward told him that he had voted in the negative because it was suggested to him that, unless he did so, the Civil and Diplomatic Bill would fail which was then pending; but, on further conversation and consideration, he wished to move a reconsideration of the vote, but his friends would not consent that it should be done. In the House of Representatives but four out of fifty Southern Democrats had voted against the bill. These were the reasons

given to him why he should not distrust the South on the question of Oregon; the results were now manifesting themselves; and let the speech just concluded by the senator from North Carolina show whether or not he was justified in his distrust.

"'The senator, in his defense of the President, put language into his mouth which I undertake to say the President will repudiate, and I am not the President's champion. I wish not to be his champion. I would not be the champion of power. I defend the right, and the right only. But, for the President, I deny the intentions which the senator from North Carolina attributes to him; intentions which, if really entertained by him, would make him an infamous man—ay, an infamous man. He (Mr. Haywood) told the senator yesterday—unless I grossly misunderstood him, along with several friends around me—"that the President had occasionally stickings-in, parenthetically, to gratify—what? the ultraisms of the country and of party, while he reposed in the White House, with no intentions of carrying out these parenthetical stickings-in." In plain words, he represents the President as parenthetically sticking in a few hollow and false words to cajole the "ultraisms of the country." What is this, need I ask, but charging upon the President conduct most vile and infamous? If this allegation be true, these intentions of the President must sooner or later come to light; and when brought to light, what must follow but irretrievable disgrace? So long as one human eye remains to linger on the page of history, the story of his abasement will be read, sending him and his name together to an infamy so profound, a damnation so deep, that the hand of resurrection will never be able to drag him forth. He who is the traitor to his country can never have forgiveness of God, and can not ask mercy of man. I asked the senator whether he came here charged with missives from the President, or whether he assumed the dogmatic style on his own responsibility, and—'

"Mr. Mangum. 'I call the senator to order. I protest against these remarks.'

"Mr. Haywood. 'Let him proceed.'

"Mr. Mangum. 'I withdraw my objection.'

"Mr. Hannegan. 'Let me say one thing to the senator from North Carolina over the way (Mr. Mangum), that if I have uttered one syllable disrespectful to the senator, it has not been

my intention. If he apprehended that I was in danger of saying any thing disrespectful, I thank him for his kind hint. I shall not forget the place where I am, and the respect which I owe myself. I reply in the same spirit in which the senator spoke. I have no personal motives; I am speaking to principles, and using, as he did, plain language. We were told that this question was agitated in the country for the purpose of putting small men into large offices. I have seen small men in large offices before to-day. "Small men in large offices!" "The country agitated to put small men in large offices!" Those who live in glass houses should not throw stones. The problem is somewhat stale, but it is a salutary one, and even some great men may occasionally be reminded of it to their profit. Let me tell the senator from North Carolina that, for my own part, I would much sooner be found a small man seeking a high place, than the subservient, pliant, supple tool—the cringing flatterer, the fawning sycophant, who crouches before power, and hurries from its back stairs to bring before the Senate its becks, and nods, and wreathed smiles. The last steamer from Europe, it is said, puts this question in such a position that for Oregon we can get free trade. Free trade I love dearly, but never will it be bought by me by the territory of my country. He who would entertain such an idea is a traitor to his country. I speak for myself, and my own section of the country. Free trade for a surrender of the ports and harbors on the Pacific? Never, sir, never. Whence this movement for free trade on the part of England? Does not every one know that she has been driven into this course by the outcries of starving millions? that she has been forced into this policy by the land-owners, to save their lives from the knife of the midnight assassin, and their palaces from the torch of the prowling incendiary? But the West is to be provided for; it is to have a new and most profitable market. Some of us know that from the Baltic England would get her wheat long before we could send a ton into her market. I advert to this simply because I do not know that I shall have another opportunity to do so. I have only to add, that so far as the whole tone, spirit, and meaning of the remarks of the senator from North Carolina are concerned, if they speak the language of James K. Polk, James K. Polk has spoken words of falsehood, and with the tongue of a serpent.'"

Such were some of the consequences resulting from the absence of definite knowledge, on the part of the Senate, as to the course and intentions of the President. His own friends in Congress—those who were presumed, from political sympathy or official station, to be in possession of his purposes—were permitted but darkly to glance at them through the mist in which they were enveloped. To us and to our readers, however, it is permitted, by means of the correspondence which has since been transmitted to the Senate in executive session, and from which the injunction of secrecy has been removed, to look face to face upon things which were then so dimly seen. The correspondence, for state reasons, was communicated with some drawback in the form of asterisks, but is sufficiently full for all objects of elucidation.

The "notice" reached the Senate on the 10th of February, 1846, where it remained under consideration until the 16th of April.

On the 13th of the previous December (1845), some two weeks after Congress had assembled, Mr. Buchanan thus writes to Mr. M'Lane, then minister at the court of St. James:

"You will receive by the Cambria a copy of the President's Message, and the documents accompanying it, in relation to Texas and Oregon. These are all which have yet been printed.

"You will observe, that while the President has recommended that the necessary notice shall be given to abrogate the convention, he has carefully avoided to recommend any legislative measure which could, in the mean time, conflict with its provisions; and it is not apprehended that Congress will adopt any such measure.

"The message has been well received throughout the country, and its doctrines generally will, I think, meet the approbation of Congress.

"The President sincerely desires to preserve our friendly relations with Great Britain. His policy with that and all other nations is peace, so long as this can be maintained consistently with the national rights and honor. The Oregon Question is now approaching a crisis. It is hardly probable that the British government will suffer it to remain upon its present basis; and it is clear that if there should be any new movement toward its adjustment, this must originate with Great Britain.

Should that government take any further step with a view to settle the controversy, the President would judge of the character of the proposition when made; and if, in his opinion, it should be such as to justify this, he would feel inclined to submit it to the Senate for their previous advice before taking any other action upon it. As the determination on any such proposition might involve the issue of peace or war between the two countries, he would feel it to be his duty to consult his constitutional advisers before a final decision. I deem it necessary to give you this information, not that you may make any such suggestion to the British government, but to enable you to regulate wisely your conversation and conduct in the critical position in which you are now placed. What the result might be in the Senate, I can not anticipate."

On the 29th of the same month, Mr. Buchanan again writes to Mr. M'Lane:

"You were correct in supposing that the British government would again offer to refer the Oregon Question to some friendly power. On Saturday last Mr. Pakenham delivered me a communication making an offer to refer this question, of which I transmit you a copy. You will not fail to observe that he does not propose a reference of the title to the whole question [territory], but merely the subject of an 'equitable division' of it between the parties. It is strange that such a proposition should have been submitted by the British government, in the face of the President's claim to the whole territory, after it had been so recently enforced in the most solemn manner by my letter of the 30th of August last, withdrawing our proposition for a compromise by the forty-ninth parallel of latitude. To accept the proposition under such circumstances would be for the President to admit that he had committed an error in asserting the American title to the whole territory, and to acknowledge, in the very submission of the question to the arbitrator, that Great Britain had a right to a portion of it, and that his functions should be confined to an 'equitable division' of it between the parties. In this respect, the present proposition is unlike the former offer of the British government, which was a general proposition to arbitrate. If no other reason existed for declining the proposition, this would be deemed sufficient by the President. You may therefore consider it certain

that it will be rejected. I presume that the British government could not have anticipated a different result; and, from my conversation upon the subject with Mr. Pakenham on Saturday last, he will doubtless undeceive them, if they had any expectation that his offer would be accepted."

On the 29th of January, 1846, Mr. Buchanan writes to Mr. M'Lane as follows:

"The President will never abandon the position he has taken in his message. Clearly convinced of the right of the United States to the whole territory in dispute, and relieved, by the refusal of the British government to accept his offer of compromise, from the embarrassment in which the acts of his predecessors had placed him, he would not now authorize the conclusion of a treaty on that basis. But the Senate, his constitutional advisers, are now in session. The question of peace or war may be involved in the issue. They are a branch of the war-making as well as of the treaty-making power. In deference to the Senate, under these circumstances, he would, in the first instance, feel it to be his duty to submit such a proposition for their previous advice. It is manifest, therefore, that the British government should at once present their ultimatum. If Mr. Pakenham should offer less, in the hope that, having thus recommenced the negotiation, he might, in its progress, induce me to say what the President would consent to accept, he must be disappointed. The President will accept nothing less than the whole territory, unless the Senate should otherwise determine. The only question which he will decide is, whether the new proposition, should any such be made, be of a character to justify its submission to the Senate for their previous advice.

"Under all the circumstances by which you may be surrounded, it is left to your sound discretion whether any such communication or intimation shall be made to Lord Aberdeen."

On the 3d of February, 1846, Mr. M'Lane thus writes to Mr. Buchanan:

"SIR,—Notwithstanding these difficulties, I still entertain the opinion that it would be in my power, without any improper commitment of the President, to lead to a renewal of the negotiation by this government, and to the submission, unless another mode would be more desirable, through its minister at

Washington, of a proposition, adopting that directed by the President on the 12th of July last, with some modifications, not inconsistent, according to the sense I entertain of it, with our national honor. Of this I should feel quite certain if I could officially know that the proposition would probably be acceptable at Washington; and I should attempt it informally, and upon my individual responsibility, with scarcely less confidence of success, if, while acting in that way, I could encourage a like result.

"It is due, however, to my own position, and to those with whom I am brought into intercourse upon this subject, to state, that the opinions I have thus expressed are not founded upon any direct communication from those in official station, but are rather the result of a series of facts and inferences, entitled, however, in my judgment at least, to not less weight.

"After these observations, I owe it more particularly to myself to state that, believing, from the history of our previous negotiations as to the Oregon Question, that it may now be settled upon the basis of compromise, and with reference to interests which have grown up during the joint occupation of the territory, without a violation of any duty which a public man owes to the rights and honor of his country, I would not be unwilling, taking the President's proposition of the 12th of July as a basis, to urge a final adjustment of the question according to that proposition, but conceding to the Hudson's Bay Company a continuance of the privilege of joint occupation, including the navigation of the Columbia, for a period of seven or ten years longer; and I hope I may be allowed to add, that I would be willing to assume the responsibility of assenting to an adjustment by extending the boundary to the Pacific by the forty-ninth parallel and the Straits of Fuca, with free ports to both nations; or by extending the free navigation of the Columbia River for a longer period, provided similar advantages upon the St. Lawrence could thereby be secured to the United States.

"I believe that upon one of these grounds, perhaps upon either, an adjustment may be concluded; and I have a strong conviction that the mode first indicated is entirely practicable.

"I am, however, constrained at the same time to state, from all that has come to my knowledge here, that I have no reason to believe that more favorable terms than those I have above

adverted to would, under any circumstances, be consented to by this government."

Under date of February 26th, 1846, Mr. Buchanan, writing to Mr. M'Lane, says:

"It appears that in your interview with the Earl of Aberdeen, on the 29th ultimo, his lordship complained of the terms and manner in which I had declined to accept Mr. Pakenham's first proposition to arbitrate; and 'apprehended that, from the nature of the answer, and the character of the recent debate in the House of Representatives, it would be difficult to prevent the conclusion that the President had determined to discourage any new proposition on the basis of compromise, and to concede nothing of the extreme demand.'

"The view of the subject presented by you to his lordship is the correct one. My answer was not intended either to encourage or to discourage a renewal of the negotiation. The President has at all times been prepared to receive and to treat with the utmost respect any proposal for a compromise which might emanate from the British government. While he has not deemed it proper to invite such a proposal, he has ever manifested an anxious desire to preserve amicable relations with Great Britain. To accomplish this purpose, he would sacrifice every consideration except the national rights and the national honor. Lord Aberdeen has drawn an inference from my language, of which it is not, in my opinion, fairly susceptible. Of this he will be fully sensible upon perusing the concluding paragraph of my answer to the second proposal of Mr. Pakenham for arbitration. It is there declared that 'the President cordially concurs with the government of Great Britain in desiring that the present controversy may be amicably adjusted. Of this he has given the strongest proof before the whole world. He believes that, as there are no two nations on the earth more closely bound together by the ties of commerce, so there are none who ought to be more able or willing to do each other justice, without the interposition of any arbiter.'

* * * * * * * * *

"You strongly express the opinion, notwithstanding the existing difficulties, 'that it would be in my [your] power, without any improper commitment of the President, to lead to a renewal of negotiation by this [the British] government, and to

the submission, unless another mode would be more desirable, through its minister at Washington, of a proposition adopting that directed by the President on the 12th of July last, with some modifications, not inconsistent, according to the sense I [you] entertain of it, with our national honor. Of this I [you] should feel quite certain, if I [you] could officially know that the proposition would probably be acceptable at Washington.'

"The concluding paragraph of my dispatch to you of the 29th ultimo [No. 22], which you will have received shortly after making this suggestion, is perhaps sufficient to indicate the course which the President would pursue, in case such an offer should be made through the British minister at Washington.

"The President, since the date of his message, has seen no cause to change his opinion either in regard to our title to Oregon, or to the manner in which it ought to be asserted. But the Federal Constitution has made the Senate, to a certain extent, a co-ordinate branch of the treaty-making power. Without their advice and consent no treaty can be concluded. This power could not be intrusted to wiser or better hands. Besides, in their legislative character they constitute a portion of the war-making, as in their executive capacity they compose a part of the treaty-making power. They are the representatives of the sovereign states of this Union, and are regarded as the best index of the opinion of their constituents. A rejection of the British ultimatum might probably lead to war; and, as a branch of the legislative power, it would be incumbent upon them to authorize the necessary preparations to render this war successful. Under these considerations, the President, in deference to the Senate, and to the true theory of the constitutional responsibilities of the different branches of the government, will forego his own opinions, so far as to submit to that body any proposition which may be made by the British government, not, in his judgment, wholly inconsistent with the rights and honor of the country. Nor is the fact to be disguised, that, from the speeches and proceedings in the Senate, it is probable that a proposition to adjust the Oregon Question on the parallel of forty-nine degrees would receive their favorable consideration."

Such are the material points of the correspondence which was taking place while the "notice" was pending in the two houses, and which make perfectly intelligible many things not then understood.

At length, on the 16th of April, as we have stated, the joint resolution of notice was passed by the Senate, but not in the form in which it went forth from the House. A substitute, proposed by Mr. Reverdy Johnson, of Maryland, embodying the substance of a proposition originally offered by Mr. Crittenden, of Kentucky, took the place of the resolution of the House, and was in the following words:

"*Resolved, by the Senate and House of Representatives of the United States of America, in Congress assembled*, That by the convention concluded the twentieth day of October, one thousand eight hundred and eighteen, between the United States of America and the King of the United Kingdom of Great Britain and Ireland, for the period of ten years, and afterward indefinitely extended and continued in force by another convention of the same parties, concluded the sixth day of August, in the year of our Lord one thousand eight hundred and twenty-seven, it was agreed that any country that may be claimed by either party on the northwest coast of America, westward of the Stony or Rocky Mountains, now commonly called the Oregon Territory, should, together with its harbors, bays, and creeks, and the navigation of all rivers within the same, be 'free and open' to the vessels, citizens, and subjects of the two powers, but without prejudice to any claim which either of the parties might have to any part of said country; and with this further provision in the second article of the said convention of the sixth of August, one thousand eight hundred and twenty-seven, that either party might abrogate and annul said convention, on giving due notice of twelve months to the other contracting party; that it has now become desirable that the respective claims of the United States and Great Britain should be definitely settled; and that said territory may no longer than need be remain subject to the evil consequences of the divided allegiance of its American and British population, and of the confusion and conflict of national jurisdictions, dangerous to the cherished peace and good understanding of the two countries. And, therefore, that steps be taken for the abrogation of the said convention of the sixth of August, one thousand eight hundred and twenty-seven, in the mode prescribed in its second article, and that the attention of the government of both countries may be the more earnestly and immediately directed

to renewed efforts for the amicable settlement of all their differences and disputes in respect to said territory.

"*And be it further resolved*, That the President of the United States be, and he is hereby authorized, at his discretion, to give to the British government the notice required by its said second article for the abrogation of the said convention of the sixth of August, one thousand eight hundred and twenty-seven."

The vote on the engrossment of this substitute resolution was as follows:

Yeas: Messrs. Archer, Ashley, Atherton, Bagley, Barrow, Benton, Berrien, Calhoun, Cameron, Chalmers, John M. Clayton, Corwin, Crittenden, Davis, Dayton, Dix, Greene, Haywood, Houston, Huntington, Jarnegan, Johnson of Maryland, Johnson of Louisiana, Lewis, M'Duffie, Mangum, Miller, Morehead, Niles, Pearce, Pennybacker, Phelps, Rusk, Sevier, Simmons, Speight, Turney, Upham, Webster, and Woodbridge —40.

Nays: Messrs. Allen, Atchison, Breese, Bright, Cass, Thomas Clayton, Dickinson, Evans, Fairfield, Hannegan, Jenness, Semple, Sturgeon, and Westcott—14.

Thus it will be seen a disagreement existed between the two houses as to the form in which the object designed to be accomplished should be effected. The parliamentary processes usual in such cases were called into requisition, and the following joint resolution was finally agreed upon:

"Whereas, by the convention concluded the twentieth day of October, one thousand eight hundred and eighteen, between the United States of America and the King of the United Kingdoms of Great Britain and Ireland, for the period of ten years, and afterward indefinitely extended and continued in force by another convention of the same parties, concluded the sixth day of August, in the year of our Lord one thousand eight hundred and twenty-seven, it was agreed that any country that may be claimed by either party on the northwest coast of America, westward of the Stony or Rocky Mountains, now commonly called the Oregon Territory, should, together with its harbors, bays, and creeks, and the navigation of all rivers within the same, be free and open to the vessels, citizens, and subjects of the two powers, but without prejudice to any claim which either of the parties might have to any part of said country;

and with this further provision in the second article of the said convention of the sixth of August, one thousand eight hundred and twenty-seven, that either party might abrogate and annul said convention, on giving the notice of twelve months to the other contracting party:

"And whereas it has now become desirable that the respective claims of the United States and Great Britain should be definitely settled, and that said territory may no longer than need be remain subject to the evil consequences of the divided allegiance of its American and British population, and of the confusion and conflict of national jurisdiction, dangerous to the cherished peace and good understanding of the two countries:

"With a view, therefore, that steps be taken for the abrogation of the said convention of the sixth of August, one thousand eight hundred and twenty-seven, in the mode prescribed in its second article, and that the attention of the governments of both countries may be the more earnestly directed to the adoption of all proper measures for a speedy and amicable adjustment of the differences and disputes in regard to the said territory:

"*Resolved, by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the President of the United States be, and he is hereby authorized, at his discretion, to give to the government of Great Britain the notice required by the second article of the said convention of the sixth of August, one thousand eight hundred and twenty-seven, for the abrogation of the same."

Under this authority, it is universally known that the President promptly caused the notice of the termination of the joint occupation of the Oregon Territory to be given.

Time passed on. Rumors—doubtful at first, and indistinct—mysterious givings out of a settlement of the controversy, gathered force and substance day by day; and at last, "one sunny morn"—the 10th of June—the "proposal, in the form of a convention, presented to the Secretary of State by the envoy extraordinary and minister plenipotentiary of her Britannic majesty, for the adjustment of the Oregon Question," reached the Senate Chamber; and there, solemnly planted on the parallel of forty-nine, stood the high contracting parties!

The spell was broken! the mystery at an end! The light

of fifty-four forty was gone forever. Prometheus himself could not "relume" it. The crests of the war-hawks drooped. The thick-coming visions of that warlike policy, which ex-Senator Haywood said was to "put small men into large offices," faded away, and the watchword of the nation was PEACE!

The convention was signed by "James Buchanan" and "Richard Pakenham." The President, in his message transmitting this convention to the Senate (from which, with the other executive correspondence, proceedings, and documents relating to Oregon, the injunction of secrecy was removed), said,

"I submit this proposal to the consideration of the Senate, and request their advice as to the action which, in their judgment, it may be proper to take in reference to it.

"In the early periods of the government, the opinion and advice of the Senate were often taken in advance upon important questions of our foreign policy. General Washington repeatedly consulted the Senate, and asked their previous advice upon pending negotiations with foreign powers; and the Senate, in every instance, responded to his call by giving their advice, to which he always conformed his action. This practice, though rarely resorted to in latter times, was, in my judgment, eminently wise, and may, on occasions of great importance, be properly revived. The Senate are a branch of the treaty-making power; and, by consulting them in advance of his own action upon important measures of foreign policy which may ultimately come before them for their consideration, the President secures harmony of action between that body and himself. The Senate are, moreover, a branch of the war-making power; and it may be eminently proper for the executive to take the opinion and advice of that body in advance upon any great question which may involve in its decision the issue of peace or war. On the present occasion, the magnitude of the subject would induce me, under any circumstances, to desire the previous advice of the Senate; and that desire is increased by the recent debates and proceedings in Congress, which render it, in my judgment, not only respectful to the Senate, but necessary and proper, if not indispensable, to insure harmonious action between that body and the executive. In conferring on the executive the authority to give the notice for the abrogation of the convention of 1827, the Senate acted publicly so large a part, that a decision on

the proposal now made by the British government, without a definite knowledge of the views of that body in reference to it, might render the question still more complicated and difficult of adjustment. For these reasons, I invite the consideration of the Senate to the proposal of the British government for the settlement of the Oregon Question, and ask their advice on the subject.

"My opinions and my action on the Oregon Question were fully made known to Congress in my annual message of the 2d of December last, and the opinions therein expressed remain unchanged.

"Should the Senate, by the constitutional majority required for the ratification of treaties, advise the acceptance of this proposition, or advise it with such modifications as they may, upon full deliberation, deem proper, I shall conform my action to their advice. Should the Senate, however, decline, by such constitutional majority, to give such advice, or to express an opinion on the subject, I shall consider it my duty to reject the offer."

On Thursday, June 11th, Mr. Haywood, of North Carolina, submitted the following resolution for the consideration of the Senate:

"*Resolved* (two thirds of the senators present concurring), That the President of the United States be, and he is hereby advised to accept the proposal of the British government, accompanying his message to the Senate, dated the tenth of June, one thousand eight hundred and forty-six, for a convention to settle boundaries, &c., between the United States and Great Britain, west of the Rocky or Stony Mountains."

Mr. Niles, of Connecticut, moved to amend the resolution by adding thereto the following:

"With the following proviso at the end of the second article of the proposed convention, to wit:

"'*Provided*, That the rights of navigation secured to British subjects by this article be limited to the year A.D. 1859, when they shall cease and determine.'"

On the following day, Mr. Niles modified his amendment to read as follows:

"With the following proviso at the end of the second article of the proposed convention, to wit:

"'*Provided*, That the right of navigating the Columbia

River, secured to the Hudson's Bay Company, and to all British subjects trading with the same, be limited to the year A.D. 1863, when it shall cease and determine.'"

This amendment was rejected by the following vote:

Yeas: Messrs. Ashley, Atherton, Bagby, Dix, Fairfield, Houston, Jenness, Niles, Simmons, and Woodbridge—10.

Nays: Messrs. Archer, Benton, Berrien, Calhoun, Chalmers, Thomas Clayton, John M. Clayton, Colquitt, Davis, Dayton, Evans, Greene, Haywood, Huntington, Johnson of Maryland, Johnson of Louisiana, Lewis, M'Duffie, Mangum, Miller, Morehead, Pearce, Pennybacker, Phelps, Rusk, Sevier, Speight, Turney, Upham, Webster, and Yulee—31.

The resolution of Mr. Haywood was then adopted by the following vote:

Yeas: Messrs. Archer, Ashley, Bagby, Benton, Berrien, Calhoun, Chalmers, Thomas Clayton, John M. Clayton, Colquitt, Davis, Dayton, Dix, Evans, Greene, Haywood, Houston, Huntington, Johnson of Maryland, Johnson of Louisiana, Lewis, M'Duffie, Mangum, Miller, Morehead, Niles, Pearce, Pennybacker, Phelps, Rusk, Sevier, Simmons, Speight, Turney, Upham, Webster, Woodbridge, and Yulee—38.

Nays: Messrs. Allen, Atherton, Breese, Cameron, Cass, Dickinson, Fairfield, Hannegan, Jarnegan, Jenness, Semple, and Sturgeon—12.

The following is Mr. Pakenham's annunciation of the *fact* to his government:

"WASHINGTON, *June* 13, 1846.

"MY LORD,—In conformity with what I had the honor to state in my despatch (No. 68) of the 7th instant, the President sent a message on Wednesday last to the Senate, submitting for the opinion of that body the draft of a convention for the settlement of the Oregon Question, which I was instructed by your lordship's despatch (No. 19) of the 18th of May to propose for the acceptance of the United States.

"After a few hours' deliberation on each of the three days (Wednesday, Thursday, and Friday), the Senate, by a majority of 38 votes to 12, adopted yesterday evening a resolution advising the President to accept the terms proposed by her majesty's government. The President did not hesitate to act on this advice; and Mr. Buchanan accordingly sent for me this

morning, and informed me that the conditions offered by her majesty's government were accepted by the government of the United States, without the addition or alteration of a single word.

"I have the honor to be, &c.,

"R. PAKENHAM.

"The Right Hon. the EARL OF ABERDEEN."

On the 15th of June, Mr. Allen resigned the office of Chairman of the Committee on Foreign Relations. The record says:

"Mr. Allen rose and said:

"'Mr. President,—At the commencement of the session, the vote of the Senate placed my name first upon the Committee on Foreign Relations. Upon a very serious question arising out of those relations, and deeply involving the nation's rights and interests, I have been unable to conform my opinion to that which recent events, of which I am not now at liberty to speak, show to be the opinion of the Senate. I deem it proper, therefore, to afford the Senate an opportunity to reconstruct the committee, with a view to that coincidence of opinion between the Senate and its committee on matters especially assigned by the former to the latter, which is essential to the unembarrassed action of the body.

"'I ask to be excused from further service upon the Committee on Foreign Relations.'

"The question being put upon the motion to discharge, it was agreed to.

"Mr. Webster moved that the Senate should, at one o'clock to-morrow, proceed to the election of a chairman of the Committee on Foreign Relations, which motion was agreed to.

"Mr. Cass said:

"'Mr. President,—Having served upon the Committee on Foreign Relations with the honorable chairman, I beg leave, before his connection with it is dissolved, to bear my testimony to the zeal and ability with which he has discharged his duties. He has rendered important services to the Senate, the administration, and the country; and while I appreciate the honorable motives which have induced him to relinquish the distinguished station he is so well qualified to fill, I can not but express my regret that we should be deprived of his services hereafter.

"But, sir, I owe it to myself to declare that, in relation to

the great measure to which the honorable senator has alluded, my sentiments have accorded with his, and my course with his. We have sought the same end by the same means. There has been no difference of opinion between us. While, therefore, I shall continue to retain the subordinate station I hold upon the committee, I can not, under any circumstances, accept the position he has filled so ably, and resigned so honorably, even should the Senate think proper to bestow it upon me. I have thought it not improper, considering my relation to the committee, to make this declaration, as the reasons the honorable senator has given for his course would apply, in a great measure, to myself, were I the chairman and organ of the committee."

On the 16th of June, the President transmitted to the Senate the convention, duly "concluded and signed," in the following words:

"*Convention between the United States of America and her majesty the Queen of the United Kingdom of Great Britain and Ireland, concluded at Washington on the 15th of June*, 1846.

"The United States of America and her majesty the Queen of the United Kingdom of Great Britain and Ireland, deeming it to be desirable, for the future welfare of both countries, that the state of doubt and uncertainty which has hitherto prevailed respecting the sovereignty and government of the territory on the northwest coast of America, lying westward of the Rocky or Stony Mountains, should be finally terminated by an amicable compromise of the rights mutually asserted by the two parties over the said territory, have respectively named plenipotentiaries to treat and agree concerning the terms of such settlement; that is to say, the President of the United States of America has, on his part, furnished with full powers James Buchanan, Secretary of State of the United States, and her majesty the Queen of the United Kingdom of Great Britain and Ireland has, on her part, appointed the Right Honorable Richard Pakenham, a member of her majesty's most honorable privy council, and her majesty's envoy extraordinary and minister plenipotentiary to the United States; who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following articles:

"ARTICLE I.

"From the point on the forty-ninth parallel of north latitude where the boundary laid down in existing treaties and conventions between the United States and Great Britain terminates, the line of boundary between the territories of the United States and those of her Britannic majesty shall be continued westward along the said forty-ninth parallel of north latitude to the middle of the channel which separates the continent from Vancouver's Island, and thence southerly through the middle of the said channel and of Fuca's Straits to the Pacific Ocean: *Provided, however*, That the navigation of the whole of the said channel and straits, south of the forty-ninth parallel of north latitude, remain free and open to both parties.

"ARTICLE II.

"From the point at which the forty-ninth parallel of north latitude shall be found to intersect the great northern branch of the Columbia River, the navigation of the said branch shall be free and open to the Hudson's Bay Company, and to all British subjects trading with the same, to the point where the said branch meets the main stream of the Columbia, and thence down the said main stream to the ocean, with free access into and through the said river or rivers, it being understood that all the usual postages along the line thus described shall in like manner be free and open. In navigating the said river or rivers, British subjects, with their goods and produce, shall be treated on the same footing as citizens of the United States; it being, however, always understood, that nothing in this article shall be construed as preventing, or intended to prevent, the government of the United States from making any regulations respecting the navigation of the said river or rivers not inconsistent with the present treaty.

"ARTICLE III.

"In the future appropriation of the territory south of the forty-ninth parallel of north latitude, as provided in the first article of this treaty, the possessory rights of the Hudson's Bay Company, and of all British subjects who may be already in the occupation of land or other property lawfully acquired within the said territory, shall be respected.

"Article IV.

"The farms, lands, and other property of every description, belonging to the Puget's Sound Agricultural Company, on the north side of the Columbia River, shall be confirmed to the said company. In case, however, the situation of those farms and lands should be considered by the United States to be of public and political importance, and the United States government should signify a desire to obtain possession of the whole or any part thereof, the property so required shall be transferred to the said government, at a proper valuation to be agreed upon between the parties.

"Article V.

"The present treaty shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by her Britannic majesty; and the ratifications shall be exchanged at London at the expiration of six months from the date hereof, or sooner, if possible.

"In witness whereof, the respective plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

"Done at Washington the fifteenth day of June, in the year of our Lord one thousand eight hundred and forty-six.

"James Buchanan. [L. S.]
"Richard Pakenham." [L. S.]

On the 18th of June, Mr. M'Duffie submitted the following resolution:

"*Resolved* (two thirds of the senators present concurring), That the Senate advise and consent to the ratification of the treaty between the United States of America and her majesty, the Queen of the United Kingdom of Great Britain and Ireland, concluded at Washington on the fifteenth day of June, one thousand eight hundred and forty-six."

This resolution Mr. Hannegan moved to amend by striking out all after the word "*Resolved*," and inserting the following in lieu thereof:

"That the President of the United States be, and he is hereby advised by the Senate to offer to the government of Great Britain, as a just, fair, and equitable compromise of the con-

flicting claims of the two governments connected with the country lying along between the Rocky Mountains and the Pacific Ocean, extending from the parallel of forty-two degrees to fifty-four degrees and forty minutes north latitude, and including the islands embraced within said parallels of latitude adjacent to the coast, the following, as the fundamental provisions for a treaty between the two governments:

"*First*, The government of Great Britain shall acknowledge the right of soil and the sovereignty to exist and be with the United States to the whole territory above described, and shall abandon to the United States all claim which shall in any manner conflict with the paramount jurisdiction of the United States therein.

"*Second*, The United States shall guaranty to the Hudson's Bay Company, for twenty years from the date of such treaty, the most perfect security in all their possessions, and the right to pursue their business of hunting and trapping, with all the immunities which pertain thereto, and to trade during that period with the natives, and the use during that time of the ports, rivers, and harbors within said territory, without charge or hinderance.

"*Third*, Within twelve months from the date of said treaty, commissioners shall be selected, by and on behalf of the respective governments, whose duty it shall be to assess, at just and liberal prices, the value of the property of the Hudson's Bay Company within said territory, which amount, when ascertained, shall be paid by the United States to said company, in such manner and at such time as shall be agreed upon between the United States and Great Britain."

This amendment was rejected by the following vote:

Yeas: Messrs. Atchison, Cameron, Hannegan, Semple, and Sturgeon—5.

Nays: Messrs. Archer, Ashley, Atherton, Bagby, Barrow, Benton, Berrien, Calhoun, Chalmers, Thomas Clayton, John M. Clayton, Colquitt, Corwin, Crittenden, Davis, Dayton, Dix, Evans, Greene, Haywood, Houston, Huntington, Johnson of Maryland, Johnson of Louisiana, Lewis, M'Duffie, Mangum, Miller, Morehead, Niles, Pearce, Pennybacker, Phelps, Rusk, Sevier, Simmons, Speight, Turney, Upham, Webster, Woodbridge, and Yulee—42.

The question was then taken on the resolution of Mr. M'Duffie, which was adopted by the following vote:

Yeas: Messrs. Archer, Ashley, Bagby, Barrow, Benton, Berrien, Calhoun, Chalmers, Thomas Clayton, John M. Clayton, Colquitt, Corwin, Crittenden, Davis, Dayton, Dix, Evans, Greene, Haywood, Houston, Huntington, Johnson of Maryland, Johnson of Louisiana, Lewis, M'Duffie, Mangum, Miller, Morehead, Niles, Pearce, Pennybacker, Phelps, Rusk, Sevier, Simmons, Speight, Turney, Upham, Webster, Woodbridge, and Yulee—41.

Nays: Messrs. Allen, Atchison, Atherton, Breese, Bright, Cameron, Cass, Dickinson, Fairfield, Hannegan, Jenness, Semple, Sturgeon, and Westcott—14.

So the Senate advised and consented to the ratification of the treaty.

It is to be observed that some doubts exist as to the true construction of the second article of the convention. Mr. Buchanan, in a letter to Mr. M'Lane, dated June 13th, 1846, notifying him that the Senate had given its "previous advice" in regard to the project of a convention, says,

"I have learned from the best sources that the Senate gave this advice under the conviction that, by the true construction of the second article of the project, the right of the Hudson's Bay Company to navigate the Columbia would expire with the termination of their present license to trade with the islands, &c., on the northwest coast of America, on the 30th of May, 1859. In a conversation with Mr. Pakenham to-day, I communicated this fact to him, and requested him to state it in his dispatch to Lord Aberdeen.

"The treaty will be signed and sent to the Senate on Monday next, and it is more than probable that they will, in some form or other, place upon their records their understanding of its true construction in this particular."

It does not appear that any such understanding was placed on the records of the Senate.

And so the long agony was over!

No member of either House had been more thoroughly committed, on behalf of himself and his people, to the extreme claim, than Mr. Douglas. Its abandonment, we believe, was a sore subject to him. How he reconciled his constituents to their be-

reavement, we are not informed. Historians record that when Calais was finally wrested from the grasp of the British crown, in whose possession it had been for more than two hundred years, Queen Mary, in the bitterness of her sorrow for the event, never smiled afterward; and that, only a brief space before the close of her mortal career, she remarked, "When I am dead, the name of Calais will be found engraven on my heart." More manly, but scarcely less intense, have we supposed the grief of Mr. Douglas to be at the loss of a portion of the Oregon Territory. Nor do we transcend our license when we imagine the possibility that, when *his* race shall have been run, deeply imprinted on the moldering fabric of *his* heart may be found the words "fifty-four degrees forty minutes north latitude."

The point has been much disputed whether, by sanctioning a treaty on the basis of forty-nine, the President violated his faith with the Democratic party. The question was distinctly put to Mr. Douglas in debate, with reference to the proposition rejected by the British ministry, when the following colloquy took place. The answer is as near to being specific as any thing that has been elicited in the House.

"Mr. Douglas resumed his remarks in comment upon these topics and the points which had been evolved, particularly urging the position that no Democrat could, consistently with the resolution of the Baltimore Convention, consent to any thing less than 54° 40′ in Oregon.

"Mr. Seddon interfered, and inquired if he understood the gentleman to say that the Democratic party were committed, by the resolution of the Baltimore Convention, to go for 54° 40′, and never yield any thing south of that under any circumstances? Did he hold the Democratic party pledged to that line?

"Mr. Douglas replied that he did understand the Democratic party to be solemnly pledged, at the Baltimore Convention, by a unanimous resolution of the Democratic party, to stand by 54° 40′, and never to yield one inch.

"Mr. Seddon. 'Does the gentleman, then, understand the President of the United States, nominated by that convention, and representing that creed, to have violated the Democratic creed in offering the parallel of 49°?'

"Mr. Douglas's hour here expired.

"Mr. J. W. Houston obtained the floor, and yielded, in com-

pliance with what seemed to be the very general desire of the House, for the purpose of reply, to Mr. Douglas, who again referred to the speech of Mr. Polk in the House of Representatives in 1828, in favor of our title to 54° 40′, and who traced the unity of position occupied by him from that period down to his inaugural address, in which he had declared our title to the whole of Oregon 'clear and unquestionable.' But when Mr. Polk came into office, he found a protocol signed, pledging his government to the principle of compromise pending that negotiation; but for that fact, which committed him during that one negotiation, Mr. Douglas would, before this, have pronounced that proposition of 49° a treasonable proposition, as he had pronounced the same offer on the part of Mr. Clay. He did understand Mr. Polk in his inaugural address as standing up erect to the pledge of the Baltimore Convention; and he now said that, come what may, let who may do it, whenever the proposition of 49° should again be offered, he would never take back the declaration he had made, that it was a treasonable proposition. The negotiation which Mr. Polk found in progress when he came into office, and by which he was embarrassed, was now ended; and if ever it was commenced again upon that principle, in violation of the pledges given by the Democratic party to the American people, sooner let his tongue cleave to the roof of his mouth than he would defend that party which should yield one inch of Oregon.

"Mr. Seddon asked leave to make a further remark.

"Mr. Houston declined to comply with the request."

As part of the history of this controversy, we copy from the "National Intelligencer" of August 25th, 1847, the following extract from a New York journal, taken from an English paper, and which discloses the particular instrumentality of Mr. Webster in bringing about the overture and pacification which followed:

"*The Oregon Territory.*—In reply to a question put to him in reference to the present war establishments of this country, and the propriety of applying the principle of arbitration in the settlement of disputes arising among nations, Mr. M'Gregor, one of the candidates for the representation of Glasgow, took occasion to narrate the following very important and remarkable anecdote in connection with our recent, but now happily-ter-

minated difference with the United States on the Oregon Question. When our embassador at Washington, the Hon. Mr. Pakenham, refused to negotiate on the forty-ninth parallel of north latitude as the basis of a treaty, and when, by that refusal, the danger of a rupture between Great Britain and America became really imminent, Mr. Daniel Webster, formerly Secretary of State to the American government, wrote a letter to Mr. M'Gregor, in which he strongly deprecated Mr. Pakenham's conduct, which, if persisted in and adopted at home, would to a certainty embroil the two countries, and suggested an equitable compromise, taking the forty-ninth parallel as the basis of an adjustment.

"Mr. M'Gregor, agreeing entirely with Mr. Webster in the propriety of a mutual giving and taking to avoid a rupture, and the more especially as the whole territory in dispute was not worth twenty thousand pounds to either power, while the preparations alone for a war would cost a great deal more before the parties could come into actual conflict, communicated the contents of Mr. Webster's letter to Lord John Russell, who, at the time, was living in the neighborhood of Edinburgh, and in reply received a letter from Lord John, in which he stated his entire accordance with the proposal recommended by Mr. Webster, and approved of by Mr. M'Gregor, and requested the latter, as he (Lord John) was not in a position to do it himself, to intimate his opinion to Lord Aberdeen. Mr. M'Gregor, through Lord Canning, Under Secretary for the Foreign Department, did so, and the result was, that the first packet that left England carried out to America the proposal, in accordance with the communication already referred to, on which the treaty of Oregon was happily concluded."

The following letter from Mr. M'Lane forms also an important link in the chain of this history. It was written in reply to an address presented to him by the New York Chamber of Commerce, in September, 1846, on his return from the court of Great Britain, acknowledging his eminent services in the negotiations, "and the utility, zeal, and firmness, commingled with amenity, by which his course had been distinguished."

"MR. CHAIRMAN AND GENTLEMEN,—It is so difficult as almost to discourage the attempt to find adequate words in which to make you my thanks for the sense you entertain of my public

services, and for the flattering terms in which you have been pleased to give it expression. Such a compliment, proceeding from such a body of my countrymen, would be an ample reward for greater merit than I could possibly pretend to, and I will not attempt to disguise the sincere gratification it has afforded me. Highly as I value it, however, it gives me great pleasure to acknowledge that, being myself, upon the occasion to which you particularly refer, only an instrument in assisting the purposes of others, the great share of your approbation is due to those with whom I co-operated.

"Omitting for a moment a more particular reference to the conduct and dispositions of our own government, I may, without impropriety, assure you, that your reference to the distinguished British statesman by whom the negotiation on the part of that government was directed is fully merited, and that, upon any occasion of congratulation upon the result, too much praise can not be bestowed upon his manly sense and unwavering determination to promote an amicable settlement of the question.

"I am free, at the same time, to assure you, gentlemen, that no one can be more sensible of the importance of peace to all interests of the country, and especially to those which you so worthily represent, than I am. Of course, where the honor of the country is involved, no one would stop to count the cost, or estimate the evils of war; but it is a gratifying evidence of the advance of the age in which we live, that the rulers of states are not afraid to acknowledge that the national honor is more apt to be committed by hasty and impracticable demands, than by wise and timely concessions.

"Governments, like ours especially, can rarely disturb the peace of the world without incurring a weighty responsibility to the cause of civilization and human happiness, and, if not hazarding their own stability, without seriously impairing their moral influence.

"I certainly could not have been induced to return to political life as the representative of my country abroad, unless I had been persuaded that, in the crisis to which you have referred, the views of my own government had been entirely consistent with such a settlement of the Oregon Question as ought to have secured an honorable peace, and unless I had entertained the

hope that I might be enabled, in some degree, to co-operate to that end.

"For myself, after our several conventions of 1818 and 1828 for the joint occupation of the territory (the latter of which received my support as a senator of the United States), I had always regarded the Oregon Question as less dependent upon the force of title than upon the principles of an equitable partition.

"It would have been unreasonable to expect, after such acknowledgments of the right of joint occupancy, that either party would be permitted wholly to dispossess the other, at least without some regard to interests which had grown up during their mutual possession. It appears to me, also, that all the previous acts of our government had not only been consistent with, but affirmatory of this view; and I could see nothing in the national honor that would justify, much less demand, a departure from it. Possessing before, in as great a degree as after, the treaty with Spain in 1819, all the title to which, on the ground of discovery, we could assert to the country drained by the waters of the Columbia, and which, if good for any thing, was valid beyond the fifty-second parallel degree of latitude, our government at no time proposed a more northern boundary than the parallel of fifty-one, and never demanded more than that of forty-nine. Having some knowledge, from my official position at that time, of the policy and objects of the convention of 1828, I am quite persuaded that its main design was to lead, in a future partition of the territory, to the recognition of our claim to the country, not north, but south of the forty-ninth parallel, and between that and the Columbia River. A division of the country upon that principle, with a reasonable regard to rights grown up under the joint possession, always appeared to me to afford a just and practicable basis for an amicable and honorable adjustment of the subject. Such, also, I was satisfied, were the views of our government at the time I engaged in my recent mission; and in earnestly and steadily laboring to effect a settlement upon that basis, I was but representing the policy of my own government, and faithfully promoting the intentions and wishes of the President.

"It must be very rare if, in complicated differences between great nations, peaceful relations can be preserved without some modification of extreme pretensions; and upon the present oc-

casion, from the length of time for which the question had been depending, together with the often-repeated propositions of both sides, the two governments could not have been reasonably expected to come to an amicable arrangement without some mutual concession of their former demands.

"If, on our side, by dividing on the forty-ninth parallel and the Straits of Fuca, we yielded the southern cape of Vancouver's Island, Great Britain surrendered her previous claim to the jurisdiction and unoccupied territory between the forty-ninth parallel and the Columbia River. At the same time, we have effected a material modification of our former offer of the surrender of the perpetual navigation of the Columbia River to British trade and British subjects generally. Although, from deference to the views and opinions of others, which it was no less my wish than my duty to respect, I earnestly endeavored to effect a settlement upon the basis of allowing the navigation of the river to the general trade for a period of twenty years; nevertheless, when that, from causes to which I need not now particularly refer, proved to be impracticable, in suggesting and urging that it should be restricted to the Hudson Bay Company, I thought I was effecting an object even less objectionable.

"It seems to me that, in the present state of commerce, it is not only the interest, but the practice of nations, independent of some inveterate notions of colonial policy, already yielding to more enlightened views, to allow the greatest freedom of rivers and ports to the trade of the world; and it may be observed, that, until the United States and Great Britain shall determine to abandon the reciprocity secured by the existing commercial convention, the recent Oregon treaty confers fewer privileges of navigation than may be claimed and enjoyed under the commercial convention. I felt confident, moreover, that long before the two governments would desire to alter their existing commercial freedom, if, indeed, they should ever desire to do so, during the continuance of peace, the Hudson's Bay Company would cease to have any occasion or motive to navigate such a river as the Columbia is known to be. It would not be easy to imagine any use they could make of it, during a state of peace, inconsistent with the commerce and interests of our own citizens.

"Universal satisfaction at the adjustment of a difficulty so complicated and inveterate was scarcely to be expected, and yet

it is a source of satisfaction to know that its general acceptableness to the country at large affords a sure guaranty of the continuance of our future peace. The tone and temper with which the negotiation was conducted in their several departments, by both governments, have been creditable to their wisdom and moderation, and have already served to elevate our own in the opinion of other nations.

"I sincerely believe that these effects can not be too highly appreciated; and if any portion of our fellow-citizens, in any section of the country, should feel that they have not obtained all the territory or advantages they had expected to acquire, it may be hoped they will, nevertheless, be satisfied that the national honor, so far from suffering, has really been elevated by the result, and that, in preserving the blessings of peace, and keeping our country steadily in a career of glorious prosperity, they will be amply compensated for any disappointment they may have experienced, and gain far more than an equivalent for any doubtful advantage to be sought only through the instrumentality of war.

"Having now effaced upon honorable terms the last cause that threatened the peace of two people of kindred origin, and associated by commercial relations more extensive and important than exist between any other two nations of the globe, may we not now hope to begin a new career of international intercourse, and by the uninterrupted pursuit of commerce and the arts, extend and cement our relations? It ought to be considered as fortunate that these results have happened at a moment when, by the wisdom and courage of British statesmen, a new and important step has been taken in the enlargement of commerce, by which the trade of different nations must be vastly extended, and the motives of harmonious relations indefinitely multiplied, as, between the United States and Great Britain especially, the causes which ought naturally to associate the two people upon an honorable basis, and contribute to their mutual prosperity, may now have fair play, and our competitions in future be confined to a generous rivalry in all that can advance the happiness of the people of both countries, and of mankind at large.

"I would do injustice to the occasion if I should omit to state it as my opinion, that in the country and among the peo-

ple I have just left, these expectations begin to be generally entertained, and that the settlement of the Oregon Question will soon come to be universally regarded as the knell of those inveterate jealousies and feuds which, it may be apprehended, have so long exerted a mischievous influence over the people, if not upon the councils of both countries.

"I may say with certainty, also, that whatever may be thought of the result by some respectable portions of our countrymen, the terms we have ultimately obtained, no less than the vindication of our rights and the ultimate approval of an honorable concession, have added another refutation to the charge of undue ambition, and to the imputation upon our national faith and stability, not unfrequently made in some quarters of Europe.

"If these advantages be properly appreciated, the time is not remote when all will be ready to acknowledge and rejoice in the result.

"The occasion may not be inapt to bear my testimony to the sense universally entertained abroad of the enterprise and punctuality of the commercial classes of the United States, and to the influence it has exerted in sustaining American credit, in defiance of causes which I too deeply deplore to attempt at this time more particularly to allude to. I will add, too, that even these causes are beginning to feel the influence of juster views and of a brighter hope, and that little more than a perseverance by some of our local governments in their exertions to maintain the public credit is needed to elevate our country to a proud and enviable rank among the nations of the earth."

We have referred elsewhere [see title, Howell Cobb] to the report and resolutions drawn up by Mr. Douglas in behalf of the Committee on Elections, in the case of the states which had not complied with the districting law of Congress.

Among other measures introduced by Mr. Douglas, we note a bill to extend the maritime jurisdiction of the courts of the United States to the lakes. Heretofore, that jurisdiction had been confined to the ocean, and its limit had been the ebbing and flowing of the tide. The bill which he reported, and which is now the law of the land, extended the jurisdiction to the chain of northern lakes, thus, in effect, putting them on an equality with the high seas.

He was among the most prominent supporters of the bill refunding the fine imposed by Judge Hall on General Jackson. He argued that to refuse to pass it would be an act of the grossest injustice to the American people, and would stamp them with ingratitude to their bravest defender. He denied that General Jackson had violated either the Constitution or the law at New Orleans. He insisted that the general rightfully performed every act that his duty required, and that his right to declare and enforce martial law was derived from the necessity of its existence in time of war for the defense of the country. The defense of the lives and liberties of the people, as well as their property, being all intrusted to the discretion of the commanding general, it became his duty to declare martial law if the necessity of the case required it. He acknowledged that this was a high-handed and despotic power, only to be exercised when necessary, and to cease when the necessity no longer existed; but it was sufficient for him to know that the commanding general, the governor and Legislature of the State of Louisiana, the courts, and the whole population of the city of New Orleans, and even Judge Hall himself, declared that martial law *was* necessary to the defense of the city.

The following anecdote, in connection with this subject, was related by an eye-witness, and published in a highly-respectable journal, from which we take it:

"Every thing that relates to Andrew Jackson, the hero of New Orleans and the friend of his country, is of deep interest to the American people; and although the incident we are about to relate is in itself of no great interest, it becomes so to us in consequence of those connected with it.

"At the Nashville Convention of August last, we visited the Hermitage (only twelve miles distant) in company with Judge Douglas of this state, and some other of our fellow-citizens. The Hermitage was crowded with people from almost every state, who had been invited thither by the venerable patriot on the day succeeding the Convention.

"Governor Clay, of Alabama, was near General Jackson, who was himself sitting on the sofa in the hall of his residence, and as each person entered, the governor introduced him to the hero, and he passed along. When Judge Douglas was thus introduced, General Jackson raised his still brilliant eyes, and

gazed for a moment in the countenance of the judge, still retaining his hand. 'Are you the Mr. Douglas, of Illinois, who delivered a speech last session on the subject of the fine imposed on me for declaring martial law at New Orleans?' asked General Jackson.

"'I have delivered a speech in the House of Representatives upon that subject,' was the modest reply of our friend.

"'Then stop!' said General Jackson. 'Sit down here beside me. I desire to return to you my thanks for that speech. You are the first man that has ever relieved my mind on a subject which has rested upon it for thirty years. My enemies have always charged me with violating the Constitution of my country by declaring martial law at New Orleans, and my friends have always admitted the violation, but have contended that circumstances justified me in that violation. I never could understand how it was that the performance of a solemn duty to my country—a duty which, if I had neglected, would have made me a traitor in the sight of God and man—could properly be pronounced a violation of the Constitution. I felt convinced, in my own mind, that I was not guilty of such a heinous offense; but I could never make out a legal justification of my course, nor has it ever been done, sir, until you, on the floor of Congress, at the late session, established it beyond the possibility of cavil or doubt. I thank you, sir, for that speech. It has relieved my mind from the only circumstance that rested painfully upon it. Throughout my whole life I never performed an official act which I viewed as a violation of the Constitution of my country; and I can now go down to the grave in peace, with the perfect consciousness that I have not broken, at any period of my life, the Constitution or laws of my country.'

"Thus spoke the old hero, his countenance brightened by emotions which it is impossible for us to describe. We turned to look at Douglas. He was speechless. He could not reply; but, convulsively shaking the aged veteran's hand, he rose and left the room. Certainly, General Jackson had paid him the highest compliment he could have bestowed on any individual."

One of the earliest speeches delivered in the House by Mr. Douglas was against the right of the general government to prosecute a system of roads, and canals, and internal improvements in the states. He has at all times, however, maintained

the constitutionality and expediency of appropriations by Congress for the improvement of rivers, harbors, and navigable waters, but subject to the condition, and coming within the principle laid down by Mr. Monroe, and subsequently adopted by General Jackson in his Maysville Road veto, that the appropriations should be for objects "of general, not local—national, not state benefit." The existence of the power constituted no reason for its abuse; nor was the fact that it might sometimes be abused a reason for denying its existence. He has voted for a number of such bills, and has not been driven from his assertion of the general principle by the disregard which he believes to have been manifested toward the claims of the Illinois River in his own state. He voted in favor of the River and Harbor Bill vetoed by the President during the first session of the twenty-ninth Congress, and he voted in favor of passing that bill into a law, "the objections of the President to the contrary notwithstanding." He continued, as he had ever been, in favor of giving adequate protection to our commerce and navigation on all our navigable waters—the lakes and rivers as well as the ocean. Nor could he discover any thing in the Veto Message of the President to change his opinion. He had no complaint to make so far as the principles of the message related to the constitutional power of Congress to establish a general system of internal improvements. He was opposed to such a system, and had so avowed himself on several occasions. He approved of all the resolutions on the extent of this power imposed by General Jackson in his Maysville Road and Wabash River vetoes. He approved of the restrictions in the messages of Madison, Monroe, and Van Buren. He was not willing to go even as far as many of them went in favor of public works by the general government. There must, he thought, be some restriction, some limit to the power, else the Federal government would swallow up all the powers of the states. He agreed with the President that this was a government of limited powers, possessing none except those which were expressly granted, or were necessary to carry the enumerated powers into effect. He was willing to adopt this rule of construction on rivers and harbors, as well as banks, tariff, distribution, and all the other great measures of the day. He had, therefore, no fault to find with the rules of construction

which the President had adopted. The principles of the message, in this respect, were sound and orthodox. But the difficulty under which Mr. Douglas labored was to reconcile these principles to the particular works enumerated in the bill. The President approved of a part and disapproved of the residue, and would be willing to sign the unexceptionable portion if separated from the objectionable items. These items the President had not designated, nor had he furnished any means by which the good could be distinguished from the evil. This was a point upon which there might be, and no doubt was, great variety of opinion. Works which one portion of the country might regard as most important, others might regard as the least useful. As the President had objected to a part, and not to the whole of the bill, Mr. Douglas thought it was due to the House that the objectionable items—those which, in the President's opinion, were so hostile to the principles of the Constitution and the security of our institutions, should have been pointed out. There were items in the bill to which Mr. Douglas had himself very strong objections, and which had caused his support of the bill to be given reluctantly. But he was not willing, on that account, to sacrifice the whole river and harbor interest. He had very little personal knowledge of the merits of the various harbors on the lakes and Atlantic which were provided for in the bill. He took them on the credit of the committee which reported it, and of the reports and estimates of the officers having them in charge. It had been the practice of the government, from the administration of Washington down, to encourage and sanction these harbor appropriations. He was not prepared to abandon that policy. He did not understand the President as abandoning it, but as being in favor of appropriations for harbors, light-houses, bays, and havens, where they were necessary for the protection of our commerce and shipping. Something, however, was said about a distinction between our foreign and internal commerce, to which Mr. Douglas could not subscribe. He did not believe in any such distinction. The power to regulate commerce with foreign countries and between the several states was conferred in the same clause of the Constitution. He also repudiated the distinctions about improving rivers above and below ports of entry. There was no reason for such distinction. If Congress had the right

to improve the river at all, it had the right to do it above a port of entry or delivery as well as below. He also regretted the distinction attempted to be drawn in some quarters between *salt* and *fresh* water, and the ebbing and flowing of the tide. The question should be broadly and boldly met, whether Congress has the right, under the Constitution, to protect commerce on our *navigable waters*. If so, it must apply to all alike. The West would never submit to odious and unjust discriminations, which lavished millions on the sea-board, and excluded the lakes and rivers from all participation. They must all be placed on the same footing, and share alike in the favors and burdens of government.

He voted in favor of the Independent Treasury Bill, now the law of the land, contending that the two great leading and competing fiscal systems—a National Bank and an Independent Treasury—had been distinctly presented as an issue to the American people, whose verdict had been given in favor of the latter.

The views of Mr. Douglas on the subject of the naturalization laws were fully expressed during the last Congress, when certain resolutions of the General Assembly of the State of Massachusetts for such amendments of these laws as would protect the ballot-box and the elective franchise from abuses and frauds were under consideration. We have recorded his *judicial* opinion in another page. He expressed in the House his willingness to go as far as any man could reasonably desire in the exercise of any constitutional privilege or power to correct frauds, not only upon the ballot-box, but on the naturalization laws, or any other laws of the United States. But, while he held it a matter of great importance to guard the ballot-box against corruption, he believed it equally important that Congress should refrain from the exercise of powers which by the Constitution were reserved to the states. He conceded to Congress the fullest power to establish naturalization laws, but he denied that naturalization included the power of voting. The privileges of naturalization and voting, he contended, were as entirely separate and distinct from each other as were the Federal and the state governments. Naturalization did confer the right of citizenship, and citizenship included the right of protection, the right to sue in the courts in time of war, the right to hold real estate, to

receive property by descent, to transmit it, together with various other rights. This was the extent of naturalization, as it existed in England previous to our separation from the mother-country, and as it existed here before and at the adoption of the Constitution. The term was then distinctly understood. It was as clearly and accurately known by the framers of the Constitution as the term "bankruptcy," or "maritime jurisdiction," or any other legal term which was inserted in the Constitution; and when they gave to Congress "power to establish a uniform system of naturalization," they used the term both in the popular and legal sense which it bore at the time. This position would be found to be sustained by the debates of the Convention which framed the Constitution. It would be found that a proposition was distinctly brought forward in the Convention to establish uniform rules of voting, as well as a uniform system of naturalization and of bankruptcy. The Convention deliberately and fully discussed the subject, and finally settled it, as it now stood in the Constitution. They found that, the moment they entered on such a subject, innumerable inconsistencies and difficulties presented themselves, which it was impossible to reconcile or to remove, from the fact that the old thirteen states were each an independent commonwealth, having a constitution and laws of its own, and each prescribing the qualification of voters, according to its own pleasure, by enactments which were as various and as numerous as the states themselves. The result was now found in the second section of the first article of the Constitution, which declared that "the House of Representatives shall be composed of members chosen every second year by the people of the several states, and the electors in each state shall have the qualifications requisite for electors of the most numerous branch of the State Legislature."

The question as to the qualifications for voting was thus remitted, or rather reserved, to the states, each being left to settle it according to its own views. That each independent state had a right, as such, to prescribe the qualifications of voters for its own Legislature, was a proposition so self-evident that it had never been questioned. Whenever the state had exercised this right, and had determined on what condition its citizens should vote for the most numerous branch of the State Legislature,

the Constitution came in and declared that the same class of persons should be entitled to vote for members of Congress. Whatever the state laws were on the subject of suffrage, the Constitution adopted and confirmed them. Congress might alter the laws of naturalization, or might repeal them altogether; they might extend the period of probation to twenty-one years; they might, if they pleased, adopt the Native American creed, with all its narrowness, and bigotry, and selfishness, and injustice; but it never could reach the sacred right of suffrage: that was reserved to the states. This the states well understood; and they defied and derided all attempts of the Native American party to interfere with or control its exercise. He trusted that every such attempt by the abuse of the powers of Congress would meet with the rebuke which it merited. The principle was higher, and broader, and deeper, and of more vital character than any which he had seen embodied in an act of the national Legislature; to destroy it was to strike at the Constitution itself.

He declined to enter into a discussion of the question whether it would or would not be good policy to interfere with this right, supposing Congress to possess the power. It was one of those things which could best be determined by a regard to local interests and local circumstances. States situated two thousand miles from the Atlantic, with a sparse population, and that population almost exclusively agricultural, would naturally regard this matter in a very different light from those situated on the Atlantic sea-board; and any rule constructed to suit the latter only, would not suit Indiana, Illinois, or Missouri. And the present state of the question showed how rightly the Convention had judged when they determined to leave the whole right of franchise to the exclusive control of the states alone, inasmuch as they could best adapt it to the condition and feelings of their people.

As to the alleged connection of frauds on the naturalization laws with the corruption of the ballot-box, Mr. Douglas insisted that such an inquiry would be inconsistent with the powers of the general government. If the inquiry should elicit frauds ever so gross, Congress could not act upon the matter. "I would say to these Native American gentlemen," he added, "as I would to the Abolitionists, if you have grievances to com-

plain of, go to your state Legislatures; address your petitions to those who have power to act in the premises. If these Natives mean to carry out their wholesale system of disfranchisement, let them turn their batteries against the states; let them go there, where they have a right to be heard, but not come here, where there is no jurisdiction, for redress."

Mr. Douglas was among the early and earnest advocates of the annexation of Texas; and, after the treaty for that object had failed in the Senate, he was one of those who introduced propositions, in the form of joint resolutions, as substitute measures for that treaty. The form which the joint resolutions for the admission of Texas finally took was, however, not that which Mr. Douglas had proposed. He argued that if we wished to acquire Texas without making war or treaty, we must fall back upon the clause of the Constitution which provides "that new states may be admitted by the Congress into the Union;" and that we must acquire the territory by act of Congress, as one of the necessary and indispensable means of exercising that enumerated power. And, as chairman of the Committee on the Territories, at the first session of the last Congress he reported the joint resolution declaring Texas to be one of the United States of America, and admitted into the Union on an equal footing with the original states, in all respects whatever.

We also notice an amendment proposed by him to the Bill to provide for the Establishment of a Smithsonian Institution for the Increase and Diffusion of Knowledge among Men, which is as follows:

"That the author or proprietor of any book, map, chart, musical composition, print, cut, or engraving, for which a copyright shall be secured under the existing acts of Congress, or those which shall hereafter be enacted respecting copyrights, shall, within three months from the publication of said book, map, chart, musical composition, print, cut, or engraving, deliver, or cause to be delivered, one copy of the same to the librarian of the Smithsonian Institute, and one copy to the librarian of the Congress library, for the use of said libraries."

The amendment was incorporated in the bill, which is now the law of the land. A moment's reflection upon its results will show that, in the course of time, this provision alone will probably furnish a more extensive library to the Smithsonian Institute than will be collected from its own funds.

In the measures which it has adopted for the prosecution of the war against Mexico, the administration has not been able to point to the services of a more consistent or determined coadjutor. He has especially vindicated the action of the government in sending into the territory of Texas the Army of Occupation under General Taylor, designed as a precautionary measure—a measure of defense against threatened hostilities of Mexico, and not designed to make an aggressive movement against that nation. The Rio del Norte, he argued, was the western boundary between Texas and Mexico, and had been so claimed on the one side, and recognized on the other, ever since the battle of San Jacinto. The State of Texas had accepted the terms of the joint resolution of the Congress of the United States, and the union was substantially, and to all intents and purposes complete, although the formalities had not all been completed. Texas was as much entitled to the defense of the general government as any state of the Union. The compact was formed, was irrevocable, was binding upon every man in this Union, whether before that time he was opposed to annexation or in favor of it. Whether the compact was or was not complete, was immaterial. If our government had seen fit to make the proposition of annexation to Texas, and by that means had brought down upon her an invasion, it was our duty to defend her. The measure of annexation, he contended, was one which had worked out its own vindication in all sections of the country. It had appealed to all our interests, commercial, agricultural, and manufacturing. It was an important step toward driving Great Britain from the continent, and which, in all its results, would promote the glory and honor of the republic. In no district in the country could the people now be appealed to against it with any hope of success, unless it was by working upon their passions and prejudices.

He argued that for years past we have had ample cause of war against Mexico, independent of the then recent bloody transactions upon the Rio del Norte. Aggressions and insults; outrages on the national flag—on the persons and property of our citizens; violations of treaty stipulations; murder, robbery, and imprisonment of our countrymen, made up a catalogue of wrongs the very recital of which was sufficient to fill the national heart with indignation. The weakness, however, and the distracted condition of Mexico, had softened our re-

sentment, and induced us to endure her aggressions. These insults and injuries, it was to be borne in mind, were committed before the annexation of Texas to the United States—before the proposition was ever seriously entertained by this government. Of course, the subsequent consummation of that measure could afford no pretext for atrocities previously committed. Remuneration and satisfaction had been made to England and France for the same injuries of which we complain, where their subjects and our citizens were common sufferers. Still the wrongs of our citizens remained unredressed, and the indignity to the honor and flag of the country unavenged. Our wrongs were tenfold greater than theirs in number, enormity, and amount. *Their* complaints had been heard in tones of thunder from the mouths of their cannon, and had been adjusted according to the terms dictated by the injured parties. The forbearance of our own government to enforce our rights by the same efficient measures which they employed, had been considered as evidence of our imbecility, giving impunity to the past and license to the future. Under the operation of these causes, our commerce with Mexico had dwindled down from nine millions of dollars per annum to a mere nominal sum, while that of France and England had steadily increased, until they had secured a monopoly of the trade, and almost a controlling influence over the government of that wretched country. Such was the relative position of Mexico toward the United States and other countries when the controversy in regard to the annexation of Texas arose. Subsequent events he traced as justifying the course of our government. "We are now," he said, "at war with Mexico. I trust our armies will penetrate as far as the capital, and capture, not only the army, but the government itself, in the Halls of the Montezumas; that we may make them all prisoners of war, and keep them in duress until they shall make a treaty of peace and boundary with us, by which they shall recognize not only the Rio del Norte, but such other line as we shall choose to dictate or accept."

He opposed the incorporation of the Wilmot Proviso into the two and three million bills. He believed the proper time had not come for any action on that subject. It was unnecessary at this time, he argued, to agitate a question which, practically, might never arise. Slavery was now prohibited in Mex-

ico. If any portion of that country should be annexed to the United States, without any stipulation being made on that point, the existing laws would remain in force so far as they were consistent with our Constitution, until repealed by competent authority. That authority must be either Congress or the people of the territory. If Congress, then the North had the power in its own hands; if the people of the territory, they would be left to decide the question for themselves according to their own wishes. If, therefore, we should acquire any territory, the North would have as much power over the question then as now. Why, then, hazard its acquisition by a controversy in advance as to the disposition we should make of it? If, however, the question was pressed now for immediate decision, he could perceive no other mode of harmonizing conflicting sentiments but by the adoption of the Missouri Compromise Line, which he should move as a substitute for the Wilmot Proviso.

He voted against the Trist treaty with Mexico. It is known that he would have done so if his single vote would have caused its rejection. The injunction of secrecy not having been removed from the executive proceedings, we do not feel at liberty now to speak of the reasons which, it is understood, have influenced his course.

Such is the personal and political history of Stephen A. Douglas. In its rapid successes—in its signal realization of the fruits of a steady enterprise and an honorable ambition—it will find nothing to surpass it in any page that *we* shall write. It is its own best commentary. Personally, we have little knowledge of him. Publicly, we know him as a manly and fearless politician—a stern, unflinching advocate of Democratic principles; never seeking a refuge from responsibility, nor attempting, by sophistry or art, to elude the full measure of its consequences. Those against whom he may be arrayed know that they are, at least, pitted against a magnanimous enemy, who boldly shows his colors and resolutely stands by them. As a debater, no man can better "hold his own." We have seen him hawked at on all sides, but we never saw him lose the knowledge of his position, nor be surprised into its abandonment. His style of speaking, always declamatory, has, we think, gained much of late by the more attempered tone and manner which have marked it.

BIOGRAPHY OF THE ONE HOUR RULE.

WE have persuaded ourselves that the reader, with whom we hope to maintain pleasant relations during the long journey that awaits us, will not frown upon us if we loiter a few moments by the way, to give him something like a formal introduction to the ONE HOUR RULE. If it can not boast, like the mummy at Belzoni's Exhibition, of "bones, and flesh, and limbs, and features," and may not *technically*, therefore, be said to have a "biography," yet such has been its living, breathing influence on the nation and its concerns, that its claims to a *niche* in our biographical edifice are not to be disregarded. Those claims, in our estimation, become paramount when we reflect that we have assumed the responsibility of presenting to the people of the United States, whom we hope to reach as well in the busy haunts of men as in the distant wilderness, a "mirror" of that "*House*" which holds their liberties in its sacred keeping, and within whose walls, it has been aptly said, "the Constitution of the country, if destined to perish by the hand of the demagogue or the usurper, will breathe its last agonies."

Something of a regulated despotism there *must* be in the government of all popular bodies. We state the general proposition, not supposing it requisite to demonstrate its truth. We know that it interferes woefully with the theories of the dreamer, and the beatific visions of the men of largest liberty. We regret it, but the truth must be told. Charles J. Ingersoll, bewildered always in the mazes of those rules and orders of proceeding which possess some *power*, but no *simplicity*, declared that the parliamentary law, as it is called, was all that was required for the House of Representatives. We, who have seen that law "weighed in the balance and found wanting," understand how frail a reliance it is, especially in times of political excitement. Let the case of the New Jersey election, which

put to so severe a trial the adhesive properties of our government, testify.

Those whom duty or inclination may have led to reflect on these matters *know* that it is much more difficult now to govern the representative body than it was some years ago. The overleaping progress of the age has found its way also into this department of public affairs. How would the "free and easy" men of our generation of legislators writhe under such a construction of rules of order as, for example, this: Many years ago, a member, under the impulse of a sudden neuralgic pain in the toe, raised his foot to the corner of his desk, in the hope, by pressure, to mitigate the suffering. Quick as thought, the speaker dispatched a messenger to him, indicating the violation of decorum implied in the act. The member courteously acknowledged the rebuke by a bow, which the speaker returned, and so the matter ended. Peace to thy departed spirit, gentle member! Who should repose in the bowers and shades of Paradise, if thou shouldst not? Would that the grave wherein thou liest "quietly inurned" could "burst its cerements" in this latter day, that thou mightest be permitted to gaze upon some of thy successors, and behold the form and fashion which *they* have given to the "rules and orders" of proceeding!

Yet the government of this branch of Congress seems in all time to have been a thing not *very* easy of accomplishment; for it is recorded that, even so far back as the war of 1812–15, during the speakership of Henry Clay, when a proposition was pending that the House should march out in a body to meet the enemy, the speaker declared that he should be sorry to lead such a *disorderly* body into battle. We have heard Caleb Cushing vindicate, in a speech, the uproarious fermentations to which the House was prone, regarding them as a safety-valve for popular opinion and popular excitement; and we have heard him declare that the scenes there enacted would compare favorably with those witnessed in the Chamber of Deputies or the House of Commons. Be this as it may, we have observed that the House was always *best* ruled by the *firmest* speaker. Men who will scoff at his deputies, will respect public authority in *him*. If he be a man of firm nerve, a resolute will, a good voice, and sufficient amenity of *general* manner not to excite the suspicions of the fiery spirits that surround

him that he is *intentionally* a despot, it is marvelous at times to see how soon his steady hand at the helm will put the ship to rights. Like the crew of some glorious frigate, the House knows its captain, and when *his* accustomed voice is heard above the storm, the effect at times is magical. The stern brow is unknit; the loud, imperious tone of complaint or defiance hushed; passions, hot enough for any resort, are allayed, and chaos is again reduced to order. This is not always so, but we have often seen it.

And now to the ceremonial of introduction: "*No member shall be allowed to speak more than one hour to any question.*"

Such is the comprehensive, but peremptory language of the One Hour Rule. Many and bitter are the lamentations which have been poured forth against it. Indignation, ridicule, vituperation, all have been expended upon it in vain. Mr. Chipman scouted it as an intellectual straight-jacket. "No gentleman," he said, "can acquit himself well in debate, whether physically or intellectually, while confined in a straight-jacket." This proposition, startling, though self-evident as it was, seemed to take no hold on the imagination of the House. Nay, there were two or three condensing Republicans—so to call them—who went so far as to intimate that, in the mysterious dispensations of Providence, cases *might* occur where a straight-jacket, in the most extensive sense of its application, would expedite the business of the House, and promote the public interests. Far be from *us* the thought of expressing an opinion on so grave a proposition!

Mr. Hilliard placed the rule in the same category with the bed of Procrustes, because, he said, "it cut all to the same length." Francis W. Pickens, suddenly arrested in his aerial flight by the fall of the speaker's hammer, plucked his watch from its pocket, and took his seat with the exclamation, "Bless my soul! have I run my race? *This* is the most infamous rule ever passed by any legislative body." Robert C. Winthrop spoke of it as "the inexorable hour that must come alike to all in this House." Daniel D. Barnard, in the most eloquent satire upon its operation that we have yet heard, said, "No steam-engine was ever supplied with a more complete condensing apparatus than this House now is. It is now understood that a Congressional orator goes just one hour. You wind

him up by a parliamentary law; he rises, and, like the pointer of a clock, describes his exact circuit on the parliamentary dial-plate, and then stops—he has run down. But no matter; there is a great saving of time in this; and, besides, it is very democratical; nobody can deny that. All men are equal—if not, they ought to be. That, I think, is now the doctrine. My colleague over the way (Mr. M'Keon) can tell. Is not this the tendency of the time? Are not rail-roads bringing down distinctions? Why, a poor man may now travel as far and as fast as the rich, and make about as much display in doing so. And so here: we have come to the end of ambitious displays in oratory in this House; we have seen an end of your three-day and your three-hour orators; we are all, now, all one hour orators, on a principle of strict Democratic equality. And we carry our Democratic notions further still, for we have discovered that subjects and topics are all equal, as well as persons, and that, at any rate, no subject is fit to be brought before this House for consideration which a member may not dispatch, in all its merits, in one hour, while it is very properly taken for granted that there is no man on this floor who can not tell all he knows on any subject in one hour. Yes, sir, be it known to all people, that we here mount in turn, and each performer rides around the ring for just one hour. And, of course, he who displays in that time the greatest amount of skill, and the greatest number of astonishing feats in jockeyship, will be entitled to the greatest applause from the whole circus, from pit to gallery.

"Well, Mr. Chairman, I am now mounted, and off; but, before I go, let me say one word more. I ride, because I feel myself bound, in some measure, by my original undertaking, to do so, as one of the *troupe*, and not because I expect to win any thing for myself, or bring much golden profit to the company."

Notwithstanding, however, the bitter taunts and denunciations to which the rule has been exposed, it has "stood the storm when waves were rough," and its attraction, in the eyes of both parties, seems rather to have increased than diminished with years. We regard the recent, but fruitless effort to repeal it as giving it still deeper root in the affections of all sides of the House, and as holding forth, therefore, the promise of

a still more prolonged existence. For our own part, we are strongly prepossessed in its favor. It *is* emphatically democratic in its operation. Fifty members, or more, can speak now where ten or fifteen could speak before. It has not only superseded those speeches of terrible length, stretching "from Indus to the poles," which formerly monopolized the public time, and set aside the public business, but it has accomplished ends even greater. In connection with another kindred rule, it has gone far toward abolishing those exhausting, and, at times, almost riotous night sessions, which were once so distinguishing a characteristic of the popular body. We have sat one, two, and three days listening to a *single speech*. Verily, we have done so. A day to a day and a half was a moderate allowance. Men of the nineteenth century! ye for whom steam-engines and electric telegraphs are almost too *slow*, what say ye?

In this state of things, the only mode by which a decision could be obtained on any great political question was by a resort to physical force—not exactly to the "wager of battle," but by testing which of the two parties could sit long enough to weary out the other, and thus force the measure to its issue before an adjournment. There was no end to the evils and abuses which the old system admitted. Speaking against time, or "speaking a measure to death," as it is called, was a common resort. *Now*, every man can speak against his own hour, but no longer. We have seen a member who had been so long in his seat that he forgot, in the intensity of his weariness, what he was voting upon; and when it was announced that a motion had been made to lay the whole subject on the table, he asked, in a tone of heart-rending despondency, "Oh! *what* subject, Mr. Speaker?"

In one midnight session, when an important bill was in the throe toward its passage, we recollect to have seen a member from the Southwest rise and commence a speech which, from the manner of its beginning, could scarcely be expected ever to come to an end. He said that in the discussion of grave questions of national policy, it was sometimes useful to recur to first principles; and with this view, coolly taking a small Bible from his drawer, he began to read it, commencing with the first chapter in Genesis. And he read,

"In the beginning God created the heaven and the earth.

"And the earth was without form and void; and darkness was upon the face of the deep."

A distinguished member from the South here rose to order, and made the point that the remarks of the gentleman were irrelevant and profane. The speaker ruled them out of order as irrelevant, not profane.

Perhaps it may not be inappropriate to remark, that to have excluded this course of argument as "profane," would have been to establish a precedent likely to cut in more directions than one. Many of us remember that Mr. Adams, during the Oregon debate, laid the foundation of our title to that territory in those "first principles," contained in that very book from which the member was now quoting.

"Sir," said Mr. Adams, "there has been so much said on the question of title in this case, that I believe it would be a waste of time for me to say any thing more about it, unless I refer to a little book you have there upon your table, which you sometimes employ to administer a solemn oath to every member of this House to support the Constitution of the United States. If you have it, be so good as to pass it to the clerk, and I will ask him to read what I conceive to be the foundation of our title.

"If the clerk will be so good as to read the twenty-sixth, twenty-seventh, and twenty-eighth verses of the first chapter of Genesis, the committee will see what I consider to be the foundation of the title of the United States."

The clerk accordingly read as follows:

"26. And God said, Let us make man in our image, after our likeness; and let them have dominion over the fish of the sea, and over the fowl of the air, and over the cattle, and over all the earth, and over every creeping thing that creepeth upon the earth.

"27. So God created man in his own image; in the image of God created he him; male and female created he them.

"28. And God blessed them, and God said unto them, Be fruitful, and multiply, and replenish the earth, and subdue it; and have dominion over the fish of the sea, and over the fowl of the air, and over every living thing that moveth upon the earth."

"That, sir," continued Mr. Adams, "in my judgment, is the

foundation of our title, not only to the Territory of Oregon, but the foundation of all human title to all human possessions."

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"I will ask the clerk to read another passage of that book; and that is, I think, the eighth verse of the second Psalm."

The clerk read:

"8. Ask of me, and I shall give *thee* the heathen *for* thine inheritance, and the uttermost parts of the earth *for* thy possession."

"If the clerk will read a verse or two before that which he has just read, it will be seen to whom it is said He will give them."

The clerk read:

"6. Yet have I set my king upon my holy hill of Zion.

"7. I will declare the decree: the Lord hath said unto me, Thou art my son; this day have I begotten thee.

"8. Ask of me, and I shall give *thee* the heathen *for* thine inheritance, and the uttermost parts of the earth *for* thy possession."

"That," continued Mr. Adams, "is the personage to whom the promise was made of giving the heathen for his inheritance, and the uttermost parts of the earth for his possession. Now, the promise contained in that verse was understood by all commentators upon the Bible, and by the Christian nations of all denominations, certainly before the reformation of Luther, to apply to the Lord Jesus Christ. Then, sir, without entering into any long historical detail, by the Christians and Christian nations (for I speak now of international law), the pope, or the Bishop of Rome, was considered as the representative of Christ upon earth; and this verse from the Psalm, promising the heathen for his inheritance, and the uttermost parts of the earth for his possession, together with another verse at the close of one of the Gospels (which I will not detain the committee by asking the clerk to read), in which the Lord Jesus Christ, after rising from the dead, said to his disciples (in substance), 'Go forth and preach to all nations my Gospel; and I will be with you to the end of the world;' from these three several passages of the Scriptures, I say, the Pope of Rome asserted, and for many ages it was admitted, that he had the power of giving to any king or sovereign to whom he pleased,

the power of going and subduing all barbarous nations, and subduing and conquering all territory, either not subdued at all, or subdued by barbarous nations, for the purpose of converting them to Christianity. At the time of the discovery of the continents of North and South America by Christopher Columbus, this was the law of nations between Christians, recognized, acknowledged, admitted; and when Christopher Columbus came, under a commission from Ferdinand and Isabella, King and Queen of Castile, Leon, and Arragon—when he came and made his discovery, which he did in October, 1492, in the next year, some time in the month of March or April, 1493, the Pope of Rome—at that time authorized according to international law between Christians to do it—gave to Ferdinand and Isabella the whole continents of North and South America. He authorized the drawing of a line from pole to pole, one hundred leagues west of the Azores Islands and Cape de Verde; and he gave the whole one hundred leagues beyond, from pole to pole, to Ferdinand and Isabella. Now, do I intend to say that that is one of our titles? I must say it, although I think, perhaps, as little of it as any member of this House. But it was a *good title* when it was given. It was the understanding, the faith, the belief of all the Christian nations of Europe, that the pope had this power; and it was acquiesced in by them all for a time. That same pope, at that time, was in the custom of giving away, not only barbarous nations, but civilized nations. He dethroned sovereigns, put them under interdict, and excommunicated them from intercourse with all other Christians; and it was submitted to. And now, sir, the government of Great Britain—the nation of Great Britain—holds the island of Ireland on no other title. Three hundred years before that time, Pope Adrian of Rome gave, by that same power, to Henry the First of England, the island of Ireland, and England has held it from that day to this under that title, and no other; that is, no other, unless by *conquest* (for it has been in a continued state of rebellion ever since, and Great Britain has been obliged to conquer it half a dozen times since; and now the question is, whether Ireland shall ever become an independent kingdom. If we come to a war with Great Britain, she will find enough to do to maintain that island); I do not think it of very great value, though I think it does not go for

nothing. Now that general authority given to man to increase, multiply, and replenish the earth, and *subdue* it, was a grant from the Creator to man as man; it was a grant to every individual of the human race in his individual capacity. But, then, the portion that belongs to the individual, and was given thereby, was a matter for the whole human race to accommodate among themselves; that is to say, in communities, communities were to agree together what should be the metes and bounds of that portion of the earth given them by the general grant from the Creator. When communities were formed, it became a matter of legislation among them to whom any particular property—*i. e.*, a lot of land on which to build a house—should belong. Any territorial right whatever, as between individuals, was to be regulated by legislation; as between nations, it was to be regulated by consent—by convention; and in that way the laws of nations, as they are called (which are nothing more than the customs of nations), and the treaties and conventions of nations, have regulated how every spot, every inch of land, shall be occupied. And, among the rest, it is by these laws and regulations—internal among communities, and international among nations—that you hold that seat (referring to the speaker's chair), and I do not, because you have it, elevated to it by the laws of the country, and no other man can take it, except by permission, so long as your right continues. Well, sir, our title to Oregon stands on the same foundation. When this discovery of Columbus came to be a matter of great importance among the nations of the earth, other nations took it into their heads to plant colonies on this continent, and then came the questions of controversy between them which never have been settled to this day. Our question now with Great Britain is one of the consequences of that state of things. There never has been any agreement between the nations of the earth how these points shall be settled."

We have been led into this digression partly from a desire to show how many legislative arguments might have been declared "profane," if the speaker had, in that aspect, sustained the point of order, and partly because we thought that there were many readers to whom a train of reasoning so curious, and from such a source, might not be uninteresting.

We knew a venerable man—now resting in his narrow bed

—a member of the Convention to reform the Constitution of the State of Pennsylvania, who kept a large family Bible ever by his side, ready for all emergencies, precisely as a member of the House of Representatives would keep Jefferson's Manual. He had Scripture arguments and quotations at hand, applicable to the minutest item of the fundamental law. He fell into the grave error of supposing that every member of the body was as familiar with chapter and verse as himself, and would sometimes, in the heat of debate, place his nearest neighbors in an awkward dilemma on that account. "Where," said he, on one occasion, "will you find a general like unto Joshua? or what weapons of war can *we* boast, which will produce wonders so great as those which the eyes of men beheld when the walls of Jericho fell before the blast of a ram's horn? Mr. Ingersoll, give me the chapter, that I may read it."

But to return. The remarks of the gentleman having been ruled out of order, the usual motion was put that he have leave to proceed; and the House, by an overwhelming vote, accorded it. The Western member, obviously taken by surprise at the sweeping nature of the vote in his favor, declared, in the most solemn manner, that up to that hour he had entertained no idea *of his own popularity*, and that the best return he could make to the House for the compliment it had paid him was to trespass no longer on its attention. So he took his seat, amid much merriment and loud calls to order, protesting against the construction of profaneness put upon his remarks, and declaring his intention to write them out for the benefit of his constituents.

Such are some of the results of the One Hour Rule. Undoubtedly there are cases in which an extension of time might be useful and proper. They are not numerous. On the other hand, there are instances where *even* the hour hangs heavily on the member's hands. It has come to be something of a point of honor to speak out the full time; but we have known members sorely pressed to do so. We have seen them ever and anon turn round and look wistfully at the clock, and then at their own watches, as though to say, "Gallop apace, ye fiery-footed steeds, to Phœbus's mansion. Oh! that *my* hour were come." The softest music that ever floated on the summer breeze would not be half so sweet a melody to them as the descent of the speaker's hammer, indicating, by its harsh monotone, that they might

rest from their labors. Yet, in the midst of these mute invocations to *Time*, they will not fail to begin and end their speeches with a protest against that infringement of the freedom of debate, which, they say, is unconstitutionally decreed against them.

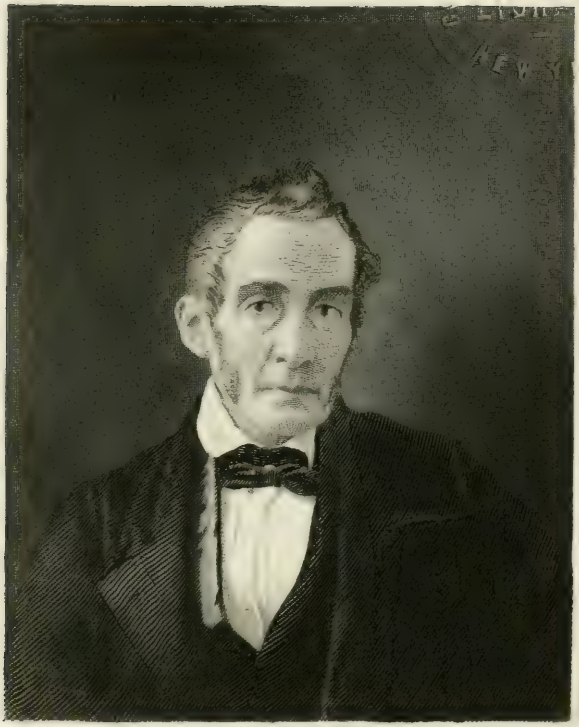
It is worthy of remark, that this rule has been introduced into some of the courts of Pennsylvania, not made applicable, indeed, to important cases, but to such as belong to current business, in which no great principles are involved, and where there are no papers or documents to be read. And it has been said that Alexander Hamilton and Aaron Burr, who, half a century ago, were the leading advocates of the New York bar, never spoke more than one hour.

The rule first took its station among the standing orders of the House on the 7th of July, 1841, on a motion to that effect made by Lott Warren, of Georgia. But a commentator, now in his grave, possessing during his life more studied information on these matters than perhaps any cotemporary—Colonel Samuel Burche—remarks: "Although this was not finally adopted as a rule of the House until the 7th of July, 1841, motions had been made to the same effect for about twenty years preceding."

The kindred rule to which we have alluded is that which gives to a majority of the House power to terminate debate, in committee, on any pending bill, thus answering to what is called "the previous question" *in* the House. It has more concentrated despotism about it than its mate, the One Hour Rule. Its potent influence has, however, been invoked by both parties; and there is not a charge of arbitrary resort to it, which one party can bring against the other, which that other may not retort with accumulated force. It is but one day older than its brother, having been adopted on the *sixth* of July, 1841. It was reported from a select committee, which had been appointed on the rules, and of which Mr. Calhoun, of Massachusetts, was chairman. These measures form a material portion of that powerful machinery commonly designated "The Screws"—an influential family, to some other branches of which we may hereafter pay our respects.

BLANCHARD, JOHN.

A GLANCE at the worn features and bent form of this gentleman, as they presented themselves to the eye during the first session of the twenty-ninth Congress, would have convinced an ordinary observer that he would soon be beyond the reach of any *living* biography which we could write. With the members of that Congress, King Death had made notably merry. A thorough-bred leveler, he had paid his respects to them "without distinction of party," scattering, as stubble before the wind, the deep-laid schemes of the politicians, and leaving the "unfinished business," of which the rules are so tender, to take care of itself. An uninvited, yea, and an unwelcome guest, he had intruded even into chambers "where statesmen play their high chess game, whereof the pawns are men." Something more than his wonted annual sacrifices the grim old autocrat had exacted. Perhaps—God knows—to show us how easy was the access to his terrible kingdom, without a preparatory sail up the Columbia River, or even a march "to the Halls of the Montezumas!" How many more victims the despot might have claimed if the law had not prescribed a definite period to the deliberations of the two bodies, it lies not within our limited vision to foresee; but high on the list of those whose presence was demanded in his imperial court, "pricked to die," like certain Romans "in the black sentence and proscription" of Mark Antony, *seemed* the name of John Blanchard, of Pennsylvania. He looked as "if any man might have bought the fee-simple of his life for an hour and a quarter." Yet, late one night, he took the floor, feeble as he was, and forthwith threw the House into such a roar of laughter at the jokes he rolled out in quick succession, as almost to leave the impression that there must have been something like a *feint* in those infirm limbs and that tottering gait which so hardly seemed to support him. From that moment we classed him among the living.



John Blanchard

We knew that he *could* not die. The thing was impossible. Whether our prophetic givings out have had any agency in his restoration, we scarcely feel authorized to say; but that he is better, and likely to live, let these pages bear witness.

He was born in the township of Peacham, in the county of Caledonia, Vermont, on the 30th of September, 1787. His father was one of the first settlers in the town, and was fortunate enough to locate himself in the center of the township. An academy was erected on his land, within a short distance of his dwelling. In his youth, John worked on the farm in the summer, and went to school in the winter; but, his father being an uneducated man, who did not *believe* in the advantages of a collegiate education, his schooling was confined to the English branches. Soon after the academy had been erected, a printing-office was started in the village, near his father's residence, and a newspaper was issued, through the medium of which he became early familiar with the political topics of the day, and with the characters of the leading politicians of the country and of the distinguished men of the Revolution. His father died when he was about fifteen years of age, leaving a family of seven children, five of them younger than himself. John was then compelled to labor on the farm, for the purpose of keeping the family together, until he was nineteen or twenty years of age, teaching school at intervals in the winter. Having resolved, however, to obtain a collegiate education, he prepared himself for the sophomore class in Dartmouth College. He was admitted a student in the fall of 1809, and graduated in August, 1812. He then removed to York, Pennsylvania, was engaged as a teacher in an academy there, and at the same time read law. He was admitted to the bar, and immediately left that place, and came to Lewistown, Mifflin county, Pennsylvania. He remained there until the fall of 1815, when he removed to Bellefonte, Centre county, his present residence. Here he has had the benefit of as lucrative a practice as most of the lawyers in that judicial district. We have heard him state, that at the time he left Vermont for the purpose of obtaining a collegiate education, he was two hundred and fifty dollars in debt, which amount he paid out of his earnings as a school-teacher in York. In 1820 he married Mary Miles, daughter of Evan Miles, of Centre county, Pennsylvania, and has two sons living.

He was brought up a Federalist in principle, although he had taken no part in politics, nor ever exercised the right of suffrage until he resided in Bellefonte. He supported John Q. Adams for President in opposition to Andrew Jackson, and in 1832, after the latter had vetoed the bill for the recharter of the United States Bank, he took a very active part as a member of the Whig party. In 1844 he was nominated by that party for Congress, and was elected by a majority of 343, to represent the seventeenth district, composed of the counties of Huntington, Centre, Juniata, and Mifflin; and in 1846 he was re-elected by a majority of 650 votes.

The delicate state of his health has rendered him rather a looker-on than a participant in the proceedings of the House beyond the duty of voting and a strict attention to the more immediate concerns of his own constituents. During one period of his life—from 1834 to 1839—he was so afflicted with sickness as to be unable to attend to his profession. From 1840 to the present time he has been in *comparative* health, though sometimes very delicate. He writes: "I never expect to be restored to full strength and vigor. You have been a witness of my bodily weakness. At present, however, I am well *for me*."

The speech to which we have adverted, and which is the only one we remember to have heard from him, was in favor of the tariff of 1842. He has openly and boldly avowed his political sentiments. He has endeavored, by every means in his power, to promote the protective policy, and the principles of the Whig party generally. With that party in Congress he has uniformly acted.



W B Macleay

MACLAY, WILLIAM BROWN,

IS among the youngest members of the thirtieth Congress. He was born in 1815, in that portion of the city of New York comprised within the limits of the district which he now represents, and from which he was elected in 1842, immediately after the state became divided into Congressional Districts, in conformity with the law of Congress of that year. [See title, HOWELL COBB.]

He is the son of the Reverend Archibald Maclay, a venerable clergyman of the Baptist denomination—favorably known to many of our readers—a Scotchman by birth, who emigrated to the United States in the year 1804. He preached to one congregation in the city of New York for the long period of thirty-five years, when, to the regret of all his flock, and against their earnest desires, he retired from the Church to take upon himself the duties of another very laborious and responsible station. During the thirty-five years of his ministry, he united in the bonds of matrimony upward of ten thousand persons.

On his retirement from this ministerial station, he accepted the office of general agent of the American and Foreign Bible Society, which he still holds. He is now seventy-two years of age, in the full vigor of his mental and bodily faculties. During the last year, in the discharge of his duties, he traversed, on horseback, a distance of some four or five thousand miles. The remarkable preservation of his life, while on his business travels two years ago, is worthy of record, and is thus stated by himself:

"The steamer Bellezane, of Zanesville, Ohio, left that place for New Orleans: she ran on a snag on the 18th instant, about one o'clock in the morning, five miles below the mouth of White River, and about fifteen above the mouth of Arkansas River.

"Nearly all the passengers were asleep at the time she struck upon the snag, which went completely through her bottom.

She careened first on the one side and then on the other; the boilers rolled off, which righted her a little, and the vessel then went completely over on her side and filled with water. I was asleep when she struck, but was roused by the shock and the rolling of the empty barrels on the hurricane deck into the river. I instantly sprang from my berth. The vessel gave a heavy lurch, the water rushing in at the same time up to my chest. I struggled across the cabin floor, and, aided by the handle of the door between the ladies' cabin and ours, I reached the state-room on the opposite side of the boat, and, as both doors were providentially open, I passed through them to the outside; the boat was then on her beam ends. The scene was truly awful; the night was intensely cold, and those who had escaped immediate death were clustered together on the wreck, destitute of clothing, bareheaded and barefooted. The hurricane deck separated from the cabin, and the captain and four others floated ashore on it. Three of these were frozen to death.

"The hull of the boat became detached from the cabin, and turned bottom up; fifteen of the passengers climbed upon the hull and were saved. Some of the passengers clung to the side of the cabin, and were taken off by a small boat. I floated with others on a portion of the wreck about ten miles down the river, near Napoleon, at the mouth of the Arkansas River. From some of the berths, which constituted a portion of the wreck we were on, a few quilts were obtained. I gave a mattress which I had procured to Mr. Chapman, who had the child of Captain Hins in his arms. I put the mattress over him and the child. With some difficulty I obtained another; but a planter from Kentucky, whose name, I think, was Burns, suffered excessively from the cold, and, being in danger of freezing to death, I gave up to him the second mattress. I remained afterward four hours on the wreck. Some of the boat's crew, who had reached the shore, obtained a small boat and came to our relief. The ladies were very properly first taken from the wreck. I was brought to the shore with Mr. Burns, the planter before mentioned, who had suffered so much from the cold. Almost the instant we had reached the shore, he gave one groan and expired. Colonel Rives, a relative of Mr. Rives, of Washington, was on board of the steamer, and was the first man that reached the shore. He possesses great energy of character, and was ex-

ceedingly kind and attentive to me and the rest of the passengers. He traveled along the shore through the woods a number of miles, and obtained a small boat, and came to the wreck as the last of the passengers were taken off.

"We walked about a mile to the house of Mr. Cook, an overseer to Mr. Hibbard, of Napoleon, by whom we were received and treated with the utmost kindness. Judge Sutton and other citizens came from Napoleon, and tendered us every assistance that our wants required. The captain states that there were one hundred and twenty-five passengers: sixty-five were lost; four of the number were frozen to death. I attribute my powers of endurance (sufficiently put to the test on this terrible night) to my constitution and temperate habits. I have lost my watch, money, clothing, &c., but my life has been graciously spared.

"During the four hours I was on the wreck I spent most of the time in mental prayer, and was resigned and composed. I would with gratitude raise another Ebenezer, and say, 'Hitherto hath the Lord helped me: what shall I render unto God for all his mercies toward me.' I am at the house of Cornelius Paulding, Esq., who has always exhibited toward me much kindness and Christian sympathy, and has, if possible, on this occasion, manifested more kindness to me than ever."

The following letter from the same source, embodying personal recollections of "Old Mortality," possesses much interest:

"I accompanied my son-in-law on a visit to Laurel Hill, a large public cemetery in the environs of Philadelphia, to which visiters are attracted by the beautiful land and water views with which Nature has surrounded the spot, and also by the many marble monuments of different form, sculpture, and inscription, which, though they can not 'back to its mansion call the fleeting breath,' can yet express the virtues of the dead and the affection of the living, and, impressing with renewed force the afflicted Christian parent or child with the vanity of all things earthly, direct them for consolation to a city which hath foundations whose builder and maker is God. The propriety of such places of interment in the vicinity of our cities, yet sufficiently removed from the changes of a progressive population, is evident, whether reference be made to those for whom they are designed, or to those who are so soon to follow them. It

accords with the best medical opinions, and, above all, with that sentiment which may indeed be said to find an echo in every human bosom, which condemns as infamous a desecration of the sanctuary of the dead, or a violation of what was once the temple of an immortal spirit.

"The immortality of the soul, and the relations between the present and the future state, as unfolded in revelation, give to the subject all its sacredness in the view of the believer; but even to minds upon which the light of the Gospel never shone, it was invested with an interest at once awful and tender. In one of the most barbarous islands in the Southern Seas, contending savages proclaimed a truce to hostilities upon approaching the mound which indicated the narrow house appointed for all living; and, among the untaught Indians of our forest, he was considered accursed who despoiled the body, placed upon the rude scaffolding erected upon piles, and shrouded in the richest furs. The historian has pathetically told us that the Chippewa mother would not bury her new-born infant upon these scaffolds, but by the way side, that its spirit might secretly steal into the bosom of some passing matron, and be born again under happier auspices. 'I know my daughter will be restored to me,' she once said, as she clipped a lock of hair as a memorial; 'by this lock of hair I shall discover her, for I shall take it with me:' alluding to the period when she, too, with her carrying-belt and paddle, and the little relic of her child, should pass through the grave to the dwelling-place of her ancestors.

"Laurel Hill, the place selected as the principal cemetery of Philadelphia, is distant about three miles from the city, embracing an area of thirty-two acres, situated upon a commanding eminence on the banks of the Schuylkill, to which it has a steep and broken descent. The ruggedness of the view of the cemetery grounds, although not hidden, is greatly relieved by a fine view of the forest trees which skirt the river. Many rare and beautiful trees have been collected, not indigenous to the soil, and among them the cedar of Lebanon, and some of the varieties of the firs which grow in northern Europe.

"Passing a short distance along the main carriage-road, you reach the group of statues of Old Mortality and his Pony of Sir Walter Scott, sculptured of freestone by a self-taught artist, Mr. Thom, inclosed within an iron railing, and protected

in some degree from the effect of the weather by an edifice of stone, with an open front view, overarching the whole. This was the principal object of my visit. When a boy, I have often seen Old Mortality, who always made his home at my mother's house when he visited our part of the country, and the deeply-thrilling incidents which he told me of the martyrs, and the sufferings they endured for Christ's sake, left a permanent impression on my mind; and the appearance which this singular personage then made is still vivid, as he approached, either riding or leading the companion of his journeys—a little pony—by a halter of hair or rope, with a straw cushion instead of a saddle. Thus accoutred, he traveled from one church-yard to another throughout Scotland, happy if he could find some Cameronian epitaph from which his chisel could remove the moss, or deepen the record which told of the virtues of his country's martyrs, who in 1685 had been thrown into prison by the privy council for the political and religious views which they entertained, and many of whom had died of diseases contracted during their incarceration. To this pious duty he devoted his life, which was protracted to his eighty-sixth year. Having no wants but of the simplest kind, which were readily supplied by those who sympathized with his enthusiasm, applause did not encourage him, and obloquy had no other effect than to bring out into bolder relief the lineaments of a nature which distinguished his countrymen at that period, and whose character, their great delineator has said, shows most to advantage in adversity, when it seems akin to the native sycamore of the hills, which scorns to be biased in its mode of growth even by the influence of the prevailing wind, but, shooting its branches with equal boldness in every direction, shows no weather-side to the storm, and may be broken, but can never be bent. The time and scene when and where this high-hearted enthusiast breathed his last, are known, but the place where his bones repose has never been ascertained; and he whose life was spent in repairing the ravages Time had made upon the monuments of others, has not even a frail memorial erected to mark the spot to which his own remains were committed."

William B. Maclay received from his father every consideration which parental care and the attention of competent instructors could afford. Among his early teachers were the

Reverend Daniel H. Barnes, the Reverend Jonathan B. Kidder, of New York, and the Reverend John O. Choules, of Newport, Rhode Island, formerly principal of an academy at Red Hook, Dutchess county, New York; known, also, as the author of the "History of Missions," and other publications.

In 1832 Mr. Maclay entered the freshman class of the University of the city of New York, and, after remaining at that institution four years, he graduated with the highest honors—the valedictory to the graduating classes having been awarded to him by the faculty. At this time the professor, John Proudfit, being compelled to visit Europe for his health, directed Mr. Maclay, with the approbation of the Faculty of Science and Letters, to act as Professor of the Latin Language and of Literature during his absence. Mr. Maclay was then but twenty-two years of age.

While a student at the University, he was chosen president of one of the two literary societies connected with it, and appears to have evinced a lively interest both in the exercises and welfare of these nurseries of youthful talent. In 1838 he was elected a member of the Council, or Board of Trustees of the University, and also its Secretary, in which honorable connection with this institution he still continues. In 1836 he was associated with J. N. M'Elligott and M. Weed in the publication of the New York Quarterly Magazine, as one of its editors.

While a student, he appears to have cherished the hope of seeing a periodical established in the city of New York which should take higher rank, and be distinguished by a more elaborate and scientific character, than is compatible with a daily, or even a monthly publication. He seems to have had in view a periodical, under the immediate auspices of the University, known by some name which should indicate a connection with it, but still more so by the contribution of articles on the part of its professors and friends. The project was, however, abandoned after a careful consideration of all the difficulties which attended its execution.

The article on the sun's rays, contributed by Professor Draper to one of the publications of the National Institute, exhibits, in a striking manner, the beneficial influence which such a

mode of communication with the reading public as that contemplated by Mr. Maclay, exercises.

No effort of the mind of the scholar or the devotee of science, however painfully made, is lost, for a mirror is at hand in which it is faithfully reflected. The standard of taste is elevated, and the public mind withdrawn from the fugitive literature of the day, to correct models and to the contemplation of mind in its noblest exercise, revealing to other minds new views of our intellectual and moral nature.

In the conduct of the magazine already mentioned, much of the labor devolved upon Mr. Maclay. We have been informed by one of his intimate friends, that, out of four hundred and eighty-six pages, the number comprised in the magazine for 1837, not less than two hundred and seventy-five were contributed either directly or indirectly by himself. The articles known to be from his pen are varied both in regard to their subject and merit. Among them are reviews of Jones's Excursion to Jerusalem, Cairo, Damascus, &c.—of Lockhart's Life of Sir Walter Scott—The Religious Opinions of Washington —The Duchess de la Valliere, by Bulwer—The Great Metropolis—Characteristics of Woman, by Mrs. Emerson—Robert Hall, &c., &c.

The following introduction to the review of the memoirs of Sir Walter Scott, strikes us as very natural and appropriate:

"Biography yields to no other species of composition in interest and instruction. More especially is it true when the subjects of which it treats are the struggles and vicissitudes of a life devoted to the pursuits of literature.

"There is a pleasure of the purest kind in observing the gradual development of thought and refinement of expression in one who, smitten with a love of the good and the beautiful, desirous to leave something behind him less perishable than his tombstone, has 'scorned delights and lived laborious days.' No one can read these memoirs of Sir Walter Scott, so long and so anxiously expected, without feeling this pleasure, and without deriving from them that instruction which might not be received from the perusal of less interesting works. In our judgment, not the least important lesson which these memoirs teach is the advantage, or, rather, the necessity, which there is of having some profession less precarious than that of literature, upon

which the child of genius can fall back for comfort or support in the hour when Adversity clouds the lights which Hope hung up in the uncertain future. Had this stay been possessed by Burns and Savage, the one would not have been Scotland's shame as well as glory, nor would the other have been driven into those practices to which he has alluded with such pathos in the solemn scenes of 'The Wanderer:'

> "'Oh, let none censure, if untried by grief;
> If, amid wo, untempted by relief,
> He stooped, reluctant, to low arts of shame,
> Which then, e'en then, he scorned, and blushed to name.'"

Neither the limits nor the design of our work will enable us to furnish as extensive extracts as we could desire, or as, indeed, are essential to present a faithful portraiture of the mind of Mr. Maclay. We must, therefore, content ourselves with a few extracts from his reviews of Mrs. Jameson's Characteristics of the Women of Shakspeare, and even these we must confine to the characters of Juliet and Lady Macbeth:

"There are few commentators on the text of Shakspeare," he says, "who have given more pleasure, and (we may add with equal truth) more instruction, than Mrs. Jameson. We had thought that the subject had been exhausted; but she has unfolded it 'in fuller aspects and in fairer lights.' Many of her thoughts upon the female characters of Shakspeare are strikingly original; and even when we meet those which our own reflections, or the observations of preceding commentators have rendered familiar, we find them bodied forth in those bright images that make this whole volume

> "'A perpetual feast of nectared sweets,
> Where no crude surfeit reigns.'

What, for instance, can be finer than the paragraph in which, refuting the arguments of those who contend that no pulse of affection for the fair Ophelia beat in the breast of Hamlet, she shows that this affection existed, but in subservience to the stronger desire of avenging a 'most unnatural murder;' so that Hamlet, in pushing aside his love in order not to be interrupted in his purposed vengeance, resembled that judge of the Areopagus who, being occupied with graver matters, flung from him the little bird which had sought refuge in his bosom, and with such angry violence that he killed it?

"Of the character of Juliet, the author speaks in language which must be true, or there is no reliance on the history and our own observations of the human affections. Many have condemned the sentiments to which the balcony scenes give rise, or, rather, the language in which those sentiments are clothed, as extravagant; yet, under what sky has not love protested that the sun, and moon, and stars 'grew pale and sick with envy at the object of its idolatry?' One of the profoundest critics upon Shakspeare (Schlegel) says that this censure originates in a fanciless way of thinking, to which every thing appears unnatural that does not suit its tame insipidity. Hence an idea has been formed of simple and natural pathos, which consists of exclamations destitute of imagery, and in nowise elevated above every-day life; but energetic passions electrify the whole mental powers, and will consequently, in highly-favored natures, express themselves in an ingenuous and figurative manner.

"The authoress has spared us the trouble of answering those *over-delicate* persons who hang their head when they read the fond adjuration, 'Come, night! come, Romeo!'

"While upon the play of Romeo and Juliet, we may notice an observation of Bulwer's, to which it would be unnecessary to allude had it not the sanction of his name. Speaking of this play, he says, 'The wit of Mercutio is of so perfect a cast, that Shakspeare, unable to continue it, was compelled to put him to death in the third act.'

"Now we will not pretend to say what Shakspeare was or was not compelled to do; but it does appear to us that the death of Mercutio was intended, not to stop a flow of wit, difficult of continuance, but *to advance the action of the play;* it is, indeed, the hinge upon which the play turns. If Tybalt had not slain Mercutio, Romeo had not slain Tybalt; if Romeo had not slain Tybalt, Romeo had not been banished, and Juliet had not lain in the tomb of the Capulets.

"Mrs. Jameson has dedicated this work to Mrs. Butler, and this brings to our mind that lady's masterly impersonation of the part of Juliet. It was the character in which she won her first laurels, and has never been represented with equal ability upon the American stage. The harmonious utterance which wafted the verse, varied, but unbroken, to the ear, and the delicate modulations of the voice, which brought out with such

nicety the different, and, to a careless observer, almost imperceptible shades in the meaning of the part, constituted no small portion of the charm of the representation. Passages which are ordinarily omitted or slurred over—passages, however, that are to a performance what the foliage is to the tree, which, if it does not add to its strength, constitutes much of its beauty—were, by the felicity with which they were pronounced, rendered even more effective than those in which an attempt is usually made to 'split the ears of the groundling.' How beautifully was the inclination of the confiding Juliet to hold her lover in converse expressed, when, recovering from the surprise into which she had been thrown by his unexpected appearance beneath the balcony, she archly asks,

"'By whose directions found you out this place?'

And again, when imploring Romeo not to swear by the moon, how well was the conception of the poet illustrated by the reproachful glance cast at the planet, as she added,

"'The *inconstant* moon,
That nightly changes in her circled orb!'

Who that has heard can ever forget the manner in which the question,

"'Speakest thou from thy heart?'

was put to the nurse, when that worthy personage counseled her to wed Paris? No sooner had the affirmative answer been given, than we perceive the die is cast. The tone of the actress, or, rather, the look which accompanied that tone, evinced that the ties (light as shreds of silk, but strong as bars of iron) which had bound Juliet to the old playmate of her childhood were severed forever, and that the heart, whose only pulse was love, was in future to be a sealed book to her former confidant, although the words had not yet been uttered—

"'Thou and my bosom henceforth shall be twain.'

"Alas! that the power which can thus shed a rich illumination over the page of genius, should die with its possessor. Pity it is that the spell which entrances the hearts of thousands should so soon be broken! that the noblest triumphs achieved in the field opened up by 'the youngest of the sister arts' can not be perpetuated from age to age, but that, though as brilliant, they should be as unsubstantial as the dew-drops from the womb of the morning!

"'All that's bright must fade;
The brightest still the fleetest.'"

In regard to the character of Lady Macbeth, Mr. Maclay considered that Mrs. Jameson had fallen into the too common error of biographers, who, in their zeal for their subject, are not content with placing personages, naturally subordinate, in the back-ground of the picture, but even of employing, in reference to them, false lights and colors, to give the greater prominence to the object of their idolatry. In reply to much depreciation of Macbeth, in contrast with Lady Macbeth, he observes:

"The courage and ambition of 'the weaker husband,' as, with no sort of propriety, he is called, were even greater than hers, who stood unmoved by those visionary terrors which threw down the judgment of her guilty partner, and so fearfully shook 'his whole state of man.'

"But this courage and ambition dwelt within a bosom from which that honor which showed what 'became a man'—that loyalty to one who had borne his faculties so meek—that generous love of fame, which shrunk from forfeiting so soon 'the golden opinions bought from all sorts of people'—had not yet been expelled.

"When these good principles were finally driven out, and the deed which they strove to prevent was executed, he could still reply, when his savage wife taunts him with the question,

"'Are you a man?'
"'Ay, and a bold one, that dare look on that
Which might appal the devil.'

"The frequency with which Lady Macbeth charges her husband with a lack of courage, almost unconsciously impresses us with the belief that, as regards that quality, no comparison can be drawn between the two. We receive her reproaches as truths, losing sight of the plain fact that the charge of cowardice was urged, not because she herself believed it, for this could not have been the case, but because it was wonderfully calculated to change the aspect of the deed he meditated, and to withdraw his mind from the contemplation of the gratitude, the affection, the loyalty which he owed the gracious being who had 'honored him of late,' and in whose defense he felt he

"'Should against his murderer shut the door,
Not bear the knife himself.'

Unlike his wife, Macbeth embraced within the objects of his faith and reverence the administration of that Moral Governor who has proclaimed himself, throughout the whole course of his providence, the avenger of blood.

"It is this belief in a higher intelligence, whose peculiar province it is to see things as they are, that clothes conscience with so much of its power to scourge the hapless victim who has disobeyed its mandates and defied its authority.

"It was not any weakness, not any want of courage, but this belief, which wrung with anguish the soul of Macbeth ere yet the bloody instrument of his crime was thrown from his hands. It was this, when describing the horrid scene to his wife, and telling her of the two lodgers, one of whom, in his sleep, cried 'God bless us!' and 'Amen!' the other, which induced him to utter the pathetic exclamation,

> "'I had most need of blessing, and Amen
> Stuck in my throat.'

"We know not whether it was the design, but it assuredly is the tendency, of many of the observations of the authoress, to exalt our conceptions of the character of the wife at the expense of that of the husband.

"The criticism, too, employed to show that the expressions used by some preceding commentators in describing Lady Macbeth are unwarrantably harsh, is merely verbal. Is it a proof that she was not naturally cruel or savage because the torch-light which fell upon the countenance of the sleeping Duncan, and revealed its resemblance to that of her own father, prevented her from being the principal instead of the accessary in his murder? No. We bow before this redeeming trait in a relentless nature. But the wild flower, seen blooming upon some rugged acclivity, impresses the beholder, by its strange and unrelieved loneliness, with a deeper conviction of the sterility of the soil over which it sheds its sweetness.

"This solitary excellence, which Shakspeare has so casually, yet so happily introduced in his portraiture of Lady Macbeth, serves, by its very singularity, to bring into clearer view the dark lines in her character. It is the shaded medium through which we see more distinctly how completely the evil has eclipsed the better part of her nature. Foster, in one of the best essays that was ever written, says, that the good angel

of Macbeth would have succeeded in wresting the dagger from his hand, if the *pure demoniac* firmness of his wife had not shamed and hardened him to the deed.

"To this, exception has been taken by Mrs. Jameson, who gives, as an argument against our belief in this firmness, the remorse and death of Lady Macbeth. But do we hesitate to call that firmness *demoniac* which enabled the guilty emperors of Rome, without one compunctious visiting of conscience, to wade through the blood of their countrymen? Yet terror and remorse mingled largely with the rage and cruelty of Nero. In the silence of their chamber, conscience resumed its throne in the breast of these haughty despots, and, like Lady Macbeth, they were filled with those 'thick-coming fancies that kept them from their rest.'*

"Again the authoress remarks:

"'Lady Macbeth, having proposed the object to herself, and arrayed it with an ideal glory, fixes her eyes steadily upon it, soars far above all womanish feelings and scruples to attain it, and stoops upon her victim with the strength and velocity of a vulture; but, having committed unflinchingly the crime necessary for the attainment of her purpose, she stops there.'

"We ask, is this so? Did she stop there? When filled with gloomy apprehensions, Macbeth exclaims,

> "'Oh! full of scorpions is my mind, dear wife;
> Thou knowest that Banquo and his Fleance live,'

who is it that darkly adds,

> "'But in them nature's copy's not eterne?'

Macbeth had already determined upon the deed, from the commission of which the pretty plain hint here given by no means acted as a restraint. Knowing the disposition of his wife, he resolved to keep her in ignorance of the steps by which he contemplated to cut off Banquo. It was his design to gratify her

* Suetonius has left us a graphic description of the sleepless nights of the monster Caligula. In his wretchedness he wandered up and down the vast corridors of his palace, looking anxiously for the first streak of dawn, and imploring its coming. When he did sleep, which was usually not more than two or three hours of the night, his rest was broken by most terrific phantoms, "ut qui inter ceteras pelagi quondam speciem colloquentem secum, videre visus sit." The meanest slave that trembled at his tread could adopt the language of Lady Macbeth's attendant, "I would not have such a heart in my bosom for the dignity of the whole body."

by evincing that a spark of the demoniac resolution which glowed in her breast had been communicated to his, and that he could commit a second murder without the external promptings which impelled him to the first. Hence, never doubting the applause with which the news of the crime would be received, he says,

> "'Be innocent of the knowledge, dearest chuck,
> Till thou applaud the deed.'"

Mrs. Jameson, at the conclusion of a beautiful parallel which she had drawn between the Electra of Sophocles and Lady Macbeth, had observed, that the only female character in the whole compass of dramatic poetry which can be placed near Lady Macbeth was the Medea; "not the vulgar, voluble fury of the Latin tragedy, nor the Medea, in hooped petticoat, of Corneille, but the genuine Greek Medea—the Medea of Euripides." To this remark Mr. Maclay replies:

"This is genuine criticism, and that, too, clothed with rich drapery of poetry. But, with reference to the Medea (the Latin one), we believe it is much easier to call it 'vulgar' and 'voluble' than to prove it to be so. This wholesale condemnation of a work, the merit of which is felt by some, how stoutly soever it may be denied by others, is always unjust, and generally proceeds from a want of that careful examination which many are weak enough to imagine the only door of truth. That the Medea, like the other Latin tragedies modeled after the Greek, is faulty in regard to action, and is chargeable with some of the sins which do most easily beset an imitation, we at once concede. To counterbalance these, however, it contains scenes which awe the soul like the *sough* of a tempest.

"The last chorus before the fifth act, in which Medea is compared to a lioness robbed of her whelps, roaming through a jungle of the Ganges, is a noble strain of poetry; nor can any one possessed of ordinary sensibility fail to admire the language in which Medea requests Jason to allow her children to accompany her into exile:

> "'Contemnere animus regias, ut scis, opes
> Potest soletque: liberas tantum fugæ
> Habere comites liceat, in quorum sinu
> Lacramas profundam. Te novi nati manent.'

"It has been too much the fashion to speak of the Greek drama as all perfection and the Latin as all extravagance.

Schlegel, in one of his lectures on Dramatic Literature, makes some remarks on the Roman tragedy which are perceived to be erroneous, not less from their shallowness or want of depth, than from their cloudiness or want of meaning. Now let the truth be spoken: if in Euripides we find a commendable attention to the element of action, we also find, in many instances, the chorus having no apparent connection with the plot, and, like shreds of canvass torn by the gale, flying loose from the texture into which it should have been woven. If, on the other hand, we see in the Medea of Seneca deficiency in regard to action, we also see the chorus rising naturally out of the play, and serving, while it unfolds its plan, to enhance its interest."

About this period Mr. Maclay was admitted to the practice of the law, to the study of which he diligently devoted himself. Both his acquired information and the resources of a vigorous mind were soon called into play as counsel in a trial for murder in the Court of Sessions in the city of New York, in which he is said to have acquired much reputation.

His client, in resisting an apprehended attack, it appears, had struck his antagonist, a man of powerful frame, a blow upon the head with an iron rule, which resulted in death. In this trial he was associated with Ogden Hoffman, whose brilliant eloquence has so often moved courts and juries at his will, and rendered him "*facile princeps*" among forensic pleaders.

To Mr. Maclay was committed the care of opening the case to the jury. In the discharge of this duty, he did not content himself with the bare enumeration of the facts expected to be proved for the defense.

Familiar with these, he not only scrupulously abstained from any statement which was not abundantly sustained by the testimony subsequently given, but also from that more pardonable exaggeration so customary with counsel, but with which juries seldom sympathize, because a case is presented before them in all its aspects, and their minds have not become distorted by the frequent contemplation of one view of it.

A luminous statement of the facts, set forth in their most natural order—the order of their occurrence—a calm commentary upon them, and an apt application of the law in support of the conclusions upon which a verdict was asked, together with an impassioned appeal to the jury in vindication of the right of

taking life under certain circumstances, extorted the admiration of all present.

So fully and fairly had the case been presented, that it was allowed to go to the jury, both by the prosecuting officer and Mr. Hoffman, without any summing up, and after a few minutes a verdict of acquittal was rendered.

In 1838 Mr. Maclay was married to Antoinette, daughter of Mark Walton, merchant, of New Orleans. He has, living, two sons and one daughter. In the same year he was nominated by the Democratic party as a candidate for the Legislature, but was defeated, the Whigs having obtained a great triumph in the election of all their candidates, both in the state and national Legislatures, for the city. His friends consoled themselves by appealing to the vote which he received on that occasion (among the highest given to any of the defeated candidates) as an evidence of the estimation in which he was generally held by the members of his party and the community.

At that time the city of New York elected its members to the Legislature by a general ticket. The city has since been divided into single districts. In the following year Mr. Maclay was again nominated for the Legislature, and elected by a large majority. He took an active part in the business of the session, particularly in every matter affecting the interests of the city he in part represented.

The Democrats were in a minority. Two bills were passed by the majority, to which, although local in their character, much attention was drawn and much importance attached. The one provided for the registration of all the voters in the city of New York, and the other for the reorganization of the criminal court of that city.

To both of these measures Mr. Maclay made a strenuous opposition. His objections to a registry law, which good men of all parties have frequently approved, seemed to have been formed on the supposition that it would prove oppressive in its practical operation in the city, where the relation is so general of employer and employed. "The people," he said, "would be harassed by a set of political spies and informers, their names would be known, their persons marked, their residence recorded, their circumstances ascertained, their opinions ferreted out, and the alternative presented of a violation of their conscien-

tious convictions on the one hand, or hardships and suffering to themselves and their families on the other." Such, he contended, would be the operation of a system which proposed to ascertain, not so much who voted, as how they voted. It is known that the law was repealed within two years after it had gone into operation, and that it has not since been revived.

The bill for the reorganization of the criminal court, to which we have alluded, was also passed into a law. By its provisions the aldermen of the city, who, by its charter, had always acted as judges in the Court of Sessions, in connection with the recorder, were excluded from the bench, and authority given on the part of the governor for the appointment of two permanent judges.

Mr. Maclay dwelt much on the fact that the representatives of the city, in the popular branch of the Legislature, were unanimous in their hostility to the proposed measure, and detailed many circumstances to illustrate that the change was neither expected nor desired, and that, in whatever motives it had its origin, it could not result in the furtherance of the public good. The constitutionality of the law was tested, and it was finally pronounced unconstitutional by the highest tribunal of the State of New York, to which an appeal had been taken.

During this session Mr. Maclay introduced and procured the passage of an act in relation to the Superior Court and Court of Common Pleas in the city and county of New York, which is entitled to notice for the novelty of its provisions. The courts referred to are the two principal courts of the city, and, in consequence of its increase in wealth and population, their business had greatly augmented. It had accumulated so rapidly after the panic of 1837, that the courts were found inadequate to discharge it. Although sitting constantly for ten hours every day, they advanced but slowly. In the Court of Common Pleas alone, the calendar had increased to nine hundred causes. In this state of things, the Legislature was called upon to create new courts. To this it was objected that the great accumulation of business was but a temporary evil, that resulted from the deranged financial condition of the country, and that the new tribunals, if established, would be found wholly unnecessary when the temporary difficulty was removed. In this exigency Mr. Maclay introduced his bill. His plan was

novel and simple. It empowered each court to hold double sessions, or, in other words, instead of the judges holding the court together, it authorized each judge to hold a separate branch of the court, with a separate jury, for the trial of causes. By this means three trials could be carried on at the same time, by the same court sitting in different rooms. Instead of the two courts being occupied with but two causes, they might be engaged at the same time in the trial of six.

This simple contrivance worked admirably. In less than a year the great mass of the business was cleared off, and since that period the judges have been enabled, by holding their separate and extra courts, to prevent any accumulation beyond the regular and ordinary business.

In the same year he introduced another bill, marked by the same remedial features.

A special term was held in Albany, the capital of the state, every month, for the dispatch of that large class of business known to lawyers as non-enumerated. One third, or nearly one half, of this business originated in the city of New York, and the lawyers of that city were compelled to go to the former place to attend to it. This system subjected them to considerable expense and great loss of time. Still it had been submitted to for a long series of years, and no attempt had been made to alter it. Mr. Maclay's bill empowered the judge of the New York circuit to hear and determine all business of this description arising within his circuit. Parties were permitted to bring in their motions before him at the city of New York upon a notice of four days: a change which greatly facilitated the dispatch of business, and materially lessened the expense of suitors.

As a member of the Legislature, Mr. Maclay also made a report, upon an application by petitioners from several counties in New York, for a change in the existing mode of apportioning the literature fund of the State of New York. It was contended that the income of this fund ($40,000), then divided into eight equal parts, and given to the eight Senatorial Districts into which the state was divided, should be distributed to the whole state without reference to these districts. The highest sum apportioned the previous year to one student had been eight dollars and thirty-six cents, and the lowest three dollars and forty-three cents, while, upon the plan proposed, the rate

per scholar would have been four dollars and fifty-two cents. Mr. Maclay gave a history of the fund, by which, as appears from his report, the mode of distribution asked for had been tried and abandoned, upon the discovery that the more sparsely-settled districts of the state were not reached by it. He contended that if such districts now received more, they needed more; and that the object of the state being, not to *endow*, but to *encourage* academies, its bounty was rightly bestowed where most required, and "diminished only where the well-managed institution could spare a portion without injury to the younger and weaker seminaries." He showed conclusively that the expectation entertained that the inequality in the apportionment would be gradually reduced and ultimately destroyed, had been in part realized, inasmuch as the disparity had fallen from eight times to twice the amount received. These conclusions were sustained by the Legislature.

During the same session a committee of three was chosen by ballot, to sit during the recess of the Legislature, with power to send for persons and papers, for the purpose of investigating the affairs of the New York and Erie Rail-road Company. Grave charges had been preferred against the company, to whom the state had loaned its credit to the amount of three millions of dollars, and much hostility had been excited against it from its supposed participation and interference in the political struggles of the day.

Mr. Maclay was chosen one of the committee, and, as appears from their report (a document of one thousand pages, which was printed by order of the Legislature), took a prominent part in the examination of witnesses and in the other labors of the committee, which extended over a period of six months.

In the autumn of the year 1841 Mr. Maclay was again elected a member of Assembly of the State of New York, for the city and county of New York.

Occupying the station of chairman of the Committee of Schools and Colleges during the session of 1842, he introduced and procured the passage of the "Act to Extend to the City and County of New York the Provisions of the General Act in relation to Common Schools," which passed April 11, 1842. A brief sketch of the features of the school system existing in the state and the city of New York respectively, may not be uninteresting.

In the year 1812, a board of commissioners, appointed by the Legislature to devise a suitable system for the organization and establishment of common schools in the State of New York, submitted a report, which was adopted by the Legislature, who enacted a general school law in accordance with its provisions, whereby the several towns were divided into school districts, and trustees elected in each, to whom were to be confided the care and superintendence of the schools established therein. The interest of the school fund was to be divided among the different counties and towns according to their respective populations, and the proportions received by the respective towns were to be subdivided among the districts into which such towns should be divided, according to the number of the children in each between the ages of four and fifteen years. Each town was required to raise by tax, annually, as much money as it should have received from the school fund, and the gross amount of moneys received from the state and raised by the laws was to be appropriated exclusively to the payment of the teachers.

The provisions of the general law for the State of New York, above set forth, have been continued, without any material change, until the present time, the titles and duties of the school officers annually chosen in the counties, towns, or districts having been altered or modified, to keep pace with constant improvements suggested by experience.

The city and county of New York, however, were excepted from the provisions of this act; the interest of the school fund to which, according to its proportion of population, it was entitled, being paid to an incorporated body, called the Public School Society, and being by them appropriated to the support of Public Schools, in such a manner as, in the opinion of the trustees, was deemed most expedient. This society was founded in the year 1805, before an efficient general system had been devised for the state at large, and when the city of New York, in an especial manner, was suffering from the many evils resulting from the want of a suitable system of education for the poor. De Witt Clinton, whose philanthropy equaled his intelligence, and in whose public and private life they walked hand in hand together, was the originator and first president of this society, which, from the date of its incorporation to the present time, has been a fruitful source of good to the city, the educa-

tion of whose children it has had in charge. By degrees, the most distinguished citizens, becoming interested in the operation of the society, enrolled themselves among its members, and, devoting themselves gratuitously to the discharge of their self-imposed duties, were the means of effecting a greater amount of good in the aggregate, it is believed, than has ever yet been effected simply by private benevolence.

It was, however, contended, by the opponents of this system, that there were a number of evils inherent in it—that it was not adequate to the increased wants of the community, and that the plan—which had promised well at its inception, when the limits of the city were circumscribed, and its population comparatively small and more homogeneous than at present, and when, above all, there was no adequate public provision for popular education—was unsuitable, and ill adapted to its present circumstances. It was also contended that the great power possessed by a corporation which was declared to be irresponsible, composed of private individuals, receiving and expending large amounts of public money, under the control only of their own judgments, gave umbrage to many of our citizens, who contended that the money of the people should be received and disbursed only by agents chosen by the popular will; and the excitement upon this subject, heightened by some extraneous circumstances, to which it is not necessary now to refer, increased to such an extent that the action of the Legislature was invoked by numerous petitions, and the Committee on Colleges, Academies, and Common Schools of the Assembly, on the 14th of February, 1842, through their chairman, Mr. Maclay, presented a report, in which what were believed to be the causes of the evils of the system of common school instruction in the city of New York were clearly set forth, and the proper remedies designated. A bill, entitled "An Act to Extend to the City and County of New York the Provisions of the General Act in relation to Common Schools," was introduced with the report, and speedily passed into a law.

The various objections to the system of the Public School Society and to its practical effects are enumerated in the report. We will content ourselves with a brief quotation, sufficient to show the nature of the evils complained of, and the purposed remedy:

"All that appertains to public instruction in the city and county of New York is substantially under the control of an incorporated institution, known as the Public School Society. The extraordinary powers of this society have been ably and elaborately set forth in the reports made to the Legislature at its last session. The control of the public education of the city of New York, and the disbursement of nine tenths of the public moneys raised and apportioned for schools, are vested in this corporation. It is a perpetual corporation, and there is no power reserved by the Legislature to repeal or modify its charter. From the petitions of many thousand inhabitants of New York, it appears that objections are widely prevalent against this organization of schools in the metropolis, and that the system so far fails to obtain the general confidence, that a very large number of children are left destitute of education.

"There is something exceedingly incongruous with our republican habits of thinking in the idea of taking the children of a population approaching half a million of souls—taxing them, at the same time, for the support and maintenance of schools—and, when both the children and the taxes are furnished, withdrawing both out of the hands of guardians and tax-payers, and handing them over to an irresponsible private chartered company. Such a concentration of power into mammoth machinery of any description is odious to the feelings, and dangerous to the rights of freemen.

"It is too late to argue that private chartered corporations, with extraordinary powers and privileges, are more suitable or efficient agents for public objects than the community itself acting under general laws. But the question is not upon the merits or defects of other institutions; it is whether the Public School Society has or has not failed to accomplish the great object of its establishment—the universal education of the children of the city of New York. That it has signally failed has been shown by the statistics of the schools; and there is, moreover, incontrovertible proof in the fact that nearly one half of the citizens of the metropolis protest against the system, and demand its modification.

"Such, then, is the evil to be corrected. It is apparent that it began with a departure from the confessedly equal and just system of common school education which prevails in all the

other parts of the state, and it can only be effectually and satisfactorily corrected by bringing home the education of the young of the city to the business and bosoms of their parents. The common school system of the state successfully and admirably accomplishes that object, and the committee, therefore, recommend that the system shall, as far as practicable, be extended to the city and county of New York."

By the new act, passed April 11, 1842, and amended subsequently, April 18, 1843, two commissioners, two inspectors, and five trustees of common schools, were to be elected in each ward of the city of New York, and appropriate duties were assigned to each of these classes of school officers. The commissioners were organized as a Board of Education, whose duties were to distribute the moneys arising from the school fund and from the proceeds of the school tax among the several ward schools, and to found new schools whenever they should be needed. The trustees were appointed to examine the schools, and to grant certificates to teachers; while the former, in conjunction with the commissioners, appointed the teachers, and were responsible for the proper financial management of the schools under their charge. It was also the duty of all the school officers to supervise carefully the schools in the different wards, by whose inhabitants they were chosen.

The advocates of the new system assert that it has fulfilled all their expectations. Twenty new schools, consisting of forty-four district departments, have since been established under the direction of the commissioners, inspectors and trustees elected in the several wards, and applications for additional ones are continually made to the Board of Education. The following table, compiled from the official returns, will indicate clearly the increase in the number of children attending the common schools in the city since the passage of the act of 1842, and also show that each separate year exhibits a progressive augmentation:

A Table, showing the average actual attendance of Scholars, and the whole number taught, in the Public Ward Schools of the City of New York during the years 1839, 1840, 1841, 1842, 1843, 1844, 1845, *and* 1846.

Year.	Schools.	Average actual attendance.	Whole number taught.
1839	Public Schools	13,189	
1840	Public Schools	14,772	39,557
1841	Public Schools	14,543	
1842	Public Schools	15,519	45,704
1843	Public Schools	15,938	46,333
	Ward Schools*	2,079	10,504
1844	Public Schools	15,977	37,985
	Ward Schools	6,806	20,210
1845	Public Schools	16,602	44,217
	Ward Schools	7,522	24,233
1846	Public Schools	17,698	28,264
	Ward Schools	8,793	25,894

During the session of the Legislature of 1842, Mr. Maclay's attention was drawn to the unpublished journals of the Provincial Congress of the State of New York, for the sessions of 1775 and 1776, which were lying in manuscript in the office of the Secretary of State. These journals, relating to the most interesting portion of the legislative history of the State of New York, contained many original and unpublished letters from Washington, Franklin, Hancock, Greene, Warren, Montgomery, Jay, Ethan Allen, and many other distinguished actors in the drama of the Revolution. To rescue these precious memorials of the devoted patriotism of that period from loss or mutilation was the grateful task of Mr. Maclay, who ultimately succeeded in obtaining the passage of a resolution authorizing their publication by the state. They form two elegant folio volumes, the value of which was known only to the few antiquarians "who had brushed away the dust and cobweb accumulations of half a century." Thurlow Weed, the editor, of the State of New York, in commenting upon the subject, remarks, that to the Hon. Mr. Furman, chairman of the Library Committee in the Senate, and to the Hon. Mr. Maclay, chairman of the Literature Committee of the Assembly, the people are indebted for the rescue of these unpublished memorials of the patriotism, gallantry, and wisdom of their revolutionary fathers.

* The schools organized under the law of 1842 are designated as Ward Schools.

Mr. Maclay has been three times elected to Congress, having been chosen by large majorities at each recurring election since the organization of the state into Congressional Districts. Indeed, the hold which he has upon the people of his district was strikingly exhibited in the circumstances connected with his second election. This took place during the excitement in relation to what is commonly called Native Americanism. The party adopting this name at the time swept the city of New York as with a whirlwind, electing from that city the thirteen members of the Legislature, three members of Congress, and, in fact, every candidate for any office except Mr. Maclay. This did not arise from the fact that he was more favorably regarded by them than any of the other candidates. On the contrary, perhaps there was no one more objectionable to them, no one whose defeat was more ardently desired. He had taken frequent occasion to denounce this party as narrow, proscriptive, and intolerant in their views; and, averse as he seems to be to contests in such an arena as the House of Representatives, yet he warmly opposed the motion of Mr. Levin to raise a select committee in reference to this subject.

Mr. Maclay was an early advocate of the annexation of Texas. His views were fully expressed in a letter written in 1845, in reply to an invitation to attend a mass-meeting held on the subject in the city of New York. He recurred to it, also, in another letter, written in defense of the existing war with Mexico.

During the Oregon controversy [see title, S. A. DOUGLAS], he expressed his views with equal clearness on that question, sustaining the position taken by the President, and eliciting from General Cass the remark, "Mr. Maclay has given the clearest brief statement of our title to Oregon which I have ever yet seen, and in language which must find a response in every bosom."

When the question of the reduction of postage was first agitated, and measures to accomplish the object were adopted at a meeting held in the Merchants' Exchange of the city of New York, Mr. Maclay addressed several letters, in reply, to a committee then raised, the substance of which was afterward embodied in an article published in Hunt's Merchants' Magazine. The expediency and propriety of the proposed reduction were strongly enforced, and the whole subject was examined with

great care and with admitted ability. His view was, that there should be a uniform rate of postage not exceeding five cents.

Among the matters originated by Mr. Maclay while in Congress, or to which his attention has been particularly directed, we notice the bill for the relief of the officers and crew of the steamer Missouri, which was destroyed by fire at Gibraltar; the bill for the relief of the forward officers of the late Exploring Expedition; the bill providing for experiments on Earl's cordage; the bill to test Seth Lamb's improved wheels for ocean steamers, and the bill for the relief of the heirs of John Paul Jones. The latter is accompanied by a report in favor of the claim, which examines and discusses minutely the merits of a case long, and sometimes angrily, discussed by Congress. We give a brief statement of it:

The claim of the heirs of Commodore John Paul Jones, as well as of his brave officers, seamen, and marines, who swept the English Channel in an old Indiaman christened the Bon Homme Richard, and crowned with the value of prizes nobly captured, but given up to the enemy by a neutral power, had been presented five times to different Congresses between the years 1806 and 1843; but, owing to the absence of important papers, the neglect of those to whose care it was confided, or other causes, it had been suffered to sleep, at the expense of Commodore Jones's reputation, until Mr. Maclay, as one of the Committee of Naval Affairs, to which it had been referred, with a patient diligence, of which the report itself is the best proof, examined into and proclaimed its merits.

The archives of the government were searched; documents of great value and of deep interest, long forgotten, owing to the exciting scenes of the Revolutionary period, were brought forth from their dusty alcoves, and the claims of the widow and the orphan were sustained. History was purged of popular falsehoods, and made, in the case of the renowned Paul Jones, to speak in the language of truth and soberness. The historian and the patriot, the friends of the navy and of gallant actions throughout the broad land, will thank the spirit that worked out, amid the dry details of a committee room, the righteousness of a claim that showed the "Scotch pirate" of Sir James Vorke to have been the Nelson of the American navy, who, in the most terrible naval engagements ever fought, has left an imper-

ishable name upon the cliffs of England and upon the annals of the world.

The niece of Paul Jones arrived, nearly twenty years ago, with the view of prosecuting this claim. After petitioning successive Congresses, and complaining that her detention so long from her country and friends was a novel mode of raising a monument to the memory of a benefactor, she died without realizing the object of her wishes. To her succeeded George L. Loudon, the grand nephew of Paul Jones, whose amiable character and general intelligence endeared him to all who enjoyed the advantage of his acquaintance. He, too, had the cup raised to his lips only to be dashed to the ground.

The justice of the claim which he was engaged in prosecuting, and in reference to which Mr. Maclay was the first to make a favorable report, was at length admitted. Both the Senate and the House of Representatives passed a bill, which was finally called up on the last night of the twenty-ninth Congress. The next morning Mr. Maclay was in the principal clerk's room of the House of Representatives, looking over the list of bills which had been passed, and missed from among them that of Paul Jones. Upon further inquiry, the bill was found upon the floor of the Senate. It had never been taken to or signed by the President. It was now taken to him, the accident explained, but he contended that he could not sign a bill after the adjournment of Congress. The heirs of Paul Jones were again thrown over to the mercies of another Congress. But, before another Congress had assembled, Mr. Loudon also died, the grief and mortification he had experienced in his disappointment being too great for a frame already enfeebled, and his constitution gave way to an attack of sickness, which resulted in his death at Jones's Hotel, Philadelphia, about four weeks after this event. The claim was allowed by the existing Congress.

Mr. Maclay adopted the same view of it as that taken by Alexander Slidell Mackenzie, in his Life of Paul Jones, and contended that it was especially incumbent upon a free government to satisfy the claims of the humblest of its citizens, either upon its justice or its generosity, but that this was pre-eminently the case when a public benefactor sought either at its hands. In the interesting documents accompanying the report of Mr. Maclay, Paul Jones appears in this light. He was, indeed, no ordinary

man who enjoyed the friendship of Franklin, Adams, Morris, Jefferson, and Lafayette; who, by the originality of his genius, was enabled to make suggestions in relation to the organization of our infant navy far in advance of the knowledge of his time; who, with his own hand, hoisted the flag of the American Republic the *first* time its folds were given to the breeze, and to whom Congress repeatedly tendered its thanks, and expressed the high sense entertained of his bravery and good conduct, ordering, upon one occasion, a gold medal, with suitable devices, to be struck and presented to him, and, upon another, conferring upon him the only line-of-battle ship then possessed by our country. As we have receded from the Revolutionary era, the impression of the services rendered by Jones to our infant liberty seems to have become less vivid, and, for nearly half a century, the claims of his heirs have been overlooked, and even, occasionally, derided as "obsolete." But these should long ago have been satisfied by Congress; for, if Jones had rendered no other service to his adopted country, his humane exertions in behalf of imprisoned American seamen, and his deliverance of them from Algerine bondage, should have commended his descendants to the gratitude of the nation, and the pecuniary claims of his ancestors to the most speedy adjustment consistent with their examination.

The defects of his character were almost inseparable from a man who entered upon active life at the early age of twelve years, and who, from a profession to which he was devoted, was

> "Jealous in honor; sudden and quick in quarrel—
> Seeking the bubble reputation
> Even in the cannon's mouth."

There is something very touching in his death, which occurred at Paris, at the age of forty-five, in the month of July, 1792. His excessive fondness of titles and decorations is well known; but in his dying moments he desired to be described in his will simply as John Paul Jones, a citizen of the United States. The news of his appointment as commissioner to negotiate with the government of Algiers for the ransom of all the Americans held in captivity, and for the restoration of peace (a just tribute, on the part of government, to the humane solicitude which in this connection he had ever exhibited), did not reach him in time to gladden his dying hour. Shortly after

signing his will, a few friends, who were with him, then bade him adieu, leaving him sitting in his arm-chair. No apprehension of his immediate decease seems to have been entertained. When his physician arrived, he was surprised to find him neither in the chair nor the parlor. Upon entering an adjoining bed-room, Jones was found lying with his face upon the bed and his feet upon the floor. In this posture his spirit had passed away. His remains were placed in a leaden coffin, in order that, if the country he had loved so well should desire to transport his remains, they might the more conveniently do so; and the National Convention of France decreed that twelve of its members should assist at the funeral rites of a man who had so well served the cause of liberty.

On the shores of the Solway, in Scotland, in view of all the craft that navigate the river, is the humble cottage in which Paul Jones was born. Situated near an aged forest, and covered with evergreens and flowering shrubs, there is nothing in the peaceful scenes it overlooks in harmony with the eventful life of him who has invested it with an abiding interest to the American traveler. Lieutenant A. B. Pinkham, of the United States navy, with a generous enthusiasm, for which he is entitled to the highest commendation, during a visit to Scotland, set apart a sum of money for the preservation and repair of this cottage, and has thus honorably linked his name with that of the brave man whose memory he has sought to perpetuate. But long after the navigator upon the Solway shall have ceased to look upon this landmark, the name of the renowned captain who first drew his breath within its walls shall be cherished with gratitude by the American citizen who revolves in his mind the achievements of those early patriots, native or adopted, who have contributed to the greatness and glory of his country.

We notice, among the addresses delivered by Mr. Maclay—to which the limits of this work allow only a passing allusion—one, delivered in 1840, on the vexed question of the Sub-Treasury. It passed through several editions, and was very widely circulated.

On the 10th of February, 1847, a great national meeting was held in the city of Washington, the object of which was to devise a comprehensive system of relief for the famishing poor of Ireland.

The accounts of the extreme distress and suffering of the people of that country, with which the public journals were filled, excited universal sympathy, and gave to this meeting an intense degree of interest. The character and high standing of the gentlemen who composed its officers and managers were guarantees that the sentiments then and there promulgated would be unexceptionable, and the measures adopted wise and effectual.

The Vice-President of the United States acted as President. The report prepared for the occasion was read by the Reverend Orville Dewey, and addresses were delivered by some of the most prominent men of both parties in Congress. This meeting, which was among the first called, gave a great impetus to the sympathies of the people, and may, perhaps, be said to have organized this benevolence. Mr. Maclay appears to have taken an active share in the deliberations of the assemblage. The following is a brief extract from his speech on that occasion:

He said that, "although laboring under great bodily indisposition, he had not felt at liberty to decline the request of the committee of arrangements to address a few words to the meeting. The very appropriate and eloquent remarks of the distinguished gentleman from Massachusetts [Mr. Webster], the report which had just been read by the Reverend Dr. Dewey, of New York, as well as the nature of the occasion itself, superseded the necessity of saying more. The evil which it was the object of the meeting to devise wise, and, he trusted, comprehensive measures to alleviate, had been fully stated in the report. Alas! no elaborate statement, no painful enumeration of details was needed to describe it. It was summed up in the fearful announcement, which had struck terror to many a heart in this country, that a civilized and Christian nation, eight months removed from the time of its harvest, was, at the very moment he was speaking, suffering the fearful pangs and horrors of famine. It was not for him to indulge in any idle speculation whether the evil was political or social, or in what it had its origin. It was enough for him, for them, for every right-minded man throughout the country to know that it *existed*. It was true, an ocean rolled its billows between us and the objects of this suffering; but, as not all its waters could wash away the obligation under which we rested to that un-

happy island, so neither ought this barrier to diminish our sympathies, or induce us to abate one jot or tittle of our active exertions to remove distresses so appalling. He was glad that, in depicting these distresses, the report had alluded also to these obligations. Never let it be said in the future, by the historian who shall narrate the history of these times, that America was indifferent to the present sufferings of Ireland. We owed her a deep debt of gratitude. Who could rightly appreciate how much of our prosperity was attributable to the number of her sons who have crossed the Atlantic with their wives, and children, and household gods; have held up an example, imitated by other nations; have built our cities, cultivated our waste domain, and become happily blended and incorporated into the great American family. Why, in point of capital (taking that word in its broadest sense); in point of commerce, interior and foreign; in point of the facilities for employing that commerce to the best advantage; in point of agriculture, and the subjugation of the soil to the rule of the husbandman—of peopling the deserted wastes of nature with crowds of cultivated life—in point, finally, of the increased population, wealth, and resources of these United States, we are indebted to no other cause to the same extent as to that of emigration, encouraged at every period by the enlightened policy of our government, and so large a portion of which had proceeded from Ireland. He was an American citizen—not by adoption; he was born among the constituency who had sent him to this city to represent their wishes and interests. He could not forget that he never passed through the great thoroughfare of his native city without his eye resting upon the monuments which public gratitude had erected to commemorate the service, and to perpetuate to distant times the virtues of an Emmet and a Montgomery.

"These were claims, inappreciable, he knew, to some minds, but they were nevertheless claims, and strong ones, upon us. If it were possible there were any present uninfluenced by considerations like these, he would appeal to their *humanity*, since he could not awaken their *gratitude*. Had they read the accounts of suffering brought over by the last steamer? Great God! think of thousands and thousands of starving men, willing, ay, anxious (*how* anxious he hoped we might never know)

to labor for their bread, yet without the employment which could yield it to them—without the means of escaping from the misery that surrounded them, and with the melancholy consciousness that it must sooner or later engulf them! Think of whole families perishing of hunger! Think of manhood withered—struck down in its prime! Did they love their own offspring? The heart of the poorest peasant, in the meanest clay cabin in Ireland, beat as warmly toward his. Think, oh! think of the 'mothers who, with eyes unwet,' glare o'er their perishing children.

"If we can do any thing to relieve these horrors, we can not, without guilt, pass by upon the other side. The same Being who, in his mysterious allotments, had apportioned misery and destitution to them, and happiness and plenty to us, had accompanied it, on our part, with the consciousness of what is our duty."

At the close of the first session of the twenty-ninth Congress, upon his return home, Mr. Maclay was invited, on behalf of the first and second regiment of Volunteers of the State of New York, to present a sword to Lieutenant C. F. Morris, who had distinguished himself at the battles of Palo Alto and Resaca de la Palma. The place selected for the presentation was Castle Garden. Much to the disappointment of all concerned, Lieutenant Morris did not appear at the time appointed, having been unable to reach the city of New York, in consequence of the detention of the steamer on Lake Champlain. Thomas Morris, the father, received the sword on behalf of his son. A numerous audience assembled on the occasion, and much enthusiasm was evinced. A sketch of Mr. Maclay's remarks, which appears in an account of the proceedings, enables us to judge of the manner in which he discharged the task assigned to him.

He paid a merited and very graceful compliment to the first and second regiments of New York Volunteers, alluding to the promptitude with which they had responded to the call of their country, and declared, that while the gift would be the more valuable and the more esteemed by Lieutenant Morris on that account, it also illustrated the general truth, that those who know how to discharge a public duty themselves, could best appreciate and were the most ready to acknowledge its

proper performance in others. He then entered upon a justification of the war with Mexico, giving a summary of the causes which had led to it, and stated that, within thirty days after Congress had passed the law authorizing the President to accept the services of fifty thousand volunteers, two hundred thousand had offered themselves; and that, if positive prohibitions had not been issued, half a million of citizen soldiers, at the time he was speaking, would have stood forth ready to meet the enemy.

"It would have been singular," he said, turning to Mr. Morris, "if your son had been either absent from, or undistinguished among that gallant throng. The name he bears, and the blood that courses through his veins, were guarantees of his devotion to his country in any struggle that might have occurred. In the darkest period of our revolutionary struggle, 'even when the thickest of war's tempest lowered,' your venerated father saw through the gloom of the then present the light that irradiated the future. Never despairing for one moment of the ultimate success of the cause in which he was engaged, by the generous sacrifice of his means and his credit he raised the resources which relieved our suffering and half-clad army, fighting, amid universal despondency, the battle of freedom.

"When peace returned with her olive, and the government under which we have lived, and grown, and prospered was organized, in just appreciation of his services and ability, General Washington tendered to him the honorable post of Secretary of the Treasury, which, with characteristic modesty, he declined. What was happily said of another is equally applicable to him. The character of most public men, like objects seen through a mist, is magnified by the distance. He was like a lofty tower seen afar off in a clear evening sky, which rises in grandeur and sublimity with every step of approach. Your son has approved himself not unworthy of such parentage. In the battle of the 8th of May he laid by his sword, and, taking the musket of a wounded man, joined in the fire of those who were contending with the enemy. In the battle of the 9th, although wounded, he supported himself upon the arm of a surgeon; he responded to his brave commander, who had seized a Mexican standard, and called to his men to follow him in the charge upon the battery, through which the desperate charge of Captain May's dra-

goons had already broken. For this commendable service, for his zeal and fidelity as a soldier, for the thrill of pleasure he has sent to the bosom of his family and friends, for the honor he has conferred upon his native city, this testimonial, which I am now about to present to you, has been selected as emblematic of his merits.

"Allow me, then, in the name and behalf of the first and second regiments of Volunteers of this state, to present you, or him, this sword. May the Dispenser of every good grant him a long life to wear it—his past conduct warrants it will be honored."

The eulogium pronounced upon this gallant young officer was justly merited. His subsequent conduct added increased interest to his name. Our acknowledgments are due, in this connection, to Colonel Ward B. Burnett, of the first regiment of the New York State Volunteers, for the information which he has furnished us. Lieutenant Morris was small in stature, but his weak frame was animated by a lion heart, and there can be little doubt that, had his life been spared, the promise of his youth would have been fulfilled in a maturity of honor. He had exhibited an early bias toward a military profession, and while a boy, pursuing his studies at the Grammar School of Columbia College, he received a cadet's appointment, and was transferred to the Military Academy of West Point, from which place he graduated in 1841. He was breveted as second lieutenant in the second regiment of United States Infantry, and, during the same year, embarked for Tampa Bay, in Florida, to join his regiment. Soon after his arrival he was commissioned as second lieutenant. After much active duty in scouring the marshes and everglades of Florida, he was put in command of a small post at Fort King, one of the most unhealthy localities in the state, and in which his constitution became so impaired that he was ordered to St. Augustine, and subsequently received a furlough of three months. Before the expiration of this term he joined his regiment at Corpus Christi, and, marching with the army under General Taylor to Fort Brown, on the Rio Grande, he was in the battles of the 8th and 9th of May—Palo Alto and Resaca de la Palma. It was during the engagement last named that he received the wound alluded to by Mr. Maclay in his address, a musket ball striking him above the hip. Disregarding his wound, he pressed against the

enemy until the order was given to halt. Such was his ardor, that the following morning, instead of remaining with the wounded, he joined in the march toward Fort Brown, hobbling a distance of four miles, and with the musket ball still in his body. After the capture of Matamoras he returned to the United States, and was engaged in the recruiting service at Whitehall and Schenectady. In the month of May, 1847, having been made first lieutenant, we find him at Vera Cruz, commanding a company of recruits, and engaged in frequent skirmishes with the guerillas. He joined his regiment at Puebla : it formed a part of General Worth's division, and with it he marched to Tacubaya. At the battle of El Molino del Rey he received two wounds in the foot and ankle ; amputation became necessary, and his leg was taken off below the knee—an operation which he bore with the unflinching fortitude and courage which marked his whole career. For some time hopes were entertained of his recovery ; but, after thirty-six hours of acute suffering, endured without a murmur, he expired.

Simple in his habits, punctual in his engagements, faithful to his word, and learned in the scientific part of his profession, he was esteemed by all as the model of a good soldier. In General Worth's official report of the sanguinary battle of El Molino del Rey, he is mentioned as one of those most distinguished for their gallantry. His early death was mourned by many, but by none more than by Mr. Maclay himself, who informed the writer that, although but slightly acquainted with Mr. Morris the elder, he addressed a letter of condolence to him on that melancholy event.

Being invited to attend a public dinner given by the citizens of Philadelphia to Colonel Ward B. Burnett, Mr. Maclay again recurred to this subject in an eloquent letter, from which we quote the following extract :

"No ordinary estimate will therefore, I am sure, be placed by Colonel Burnett upon the honor you have conferred upon him. His name awakens in my mind the recollection, not only of the brave spirits of his own state, who have survived the perils of many a well-fought field, but also of those who have sealed with their blood their devotion to their country. The last time I enjoyed the opportunity of conversing with him was upon an occasion when the officers and men of the first and

second regiments of New York Volunteers honored me by designating me as their agent to present a sword to Lieutenant Morris for his gallantry and good conduct in the encounter of Palo Alto and Resaca de la Palma, and who was subsequently killed in the bloody battle of Molino del Rey. He was a grandson of Robert Morris, of revolutionary fame, who is justly cherished as one of the most distinguished of the many bright names that adorn the annals of your state.

"Well did he sustain the heritage of patriotism bequeathed to him. I knew him, esteemed him, loved him, and can scarcely realize that I shall see his face no more. It seems but yesterday that, buoyant with hope, and panting for future distinction, with a heart which was the home of courage as of filial piety, he turned his step toward Mexico, and as he bade his gray-haired parent what to neither of them seemed an eternal farewell, he exclaimed, in the language and in the agony of Esau, 'Bless me, even me, oh my father!'

"But why do I drag before you a sorrow so sacred?

"'That ark of grief, let me not touch presumptuous.' Let me rather call to remembrance the soldierly qualities which made him beloved in life, lamented in death, and which have associated his name with the glory of his country. Like the brave Baxter, he died young. But, as we have been wisely warned, the period allotted to our mortal existence is at most but a span, and he had already lived longer, and to nobler purposes, than many whose years have been protracted to extreme old age, but who have crept through life like some sullen stream to a marsh, without honor or observation. He met death—which must come to all—boldly, and in the discharge of duty, with the dew and freshness of youth upon him, ere disease or sorrow had quenched his spirit.

"While private affection weeps over his tomb with a chastened sorrow, a grateful country will cherish his memory, fragrant through coming years as incense poured forth."

We cease to wonder at the results achieved in the face of so many obstacles, and with such disparity of numbers, by the armies of the Republic, when we recur to the striking examples of intelligence and patriotism—of which this is but one instance in many—by which their whole progress has been illustrated, from the Rio Grande to the city of Mexico.

Among the many published addresses of Mr. Maclay, we notice one delivered upon the occasion of the annual meeting, in Boston, of the Massachusetts Horticultural Society, held in Faneuil Hall. Among the speakers we perceive the names of Webster, Everett, Winthrop, Cushing, Quincy, and others. In reply to a toast complimentary to New York, Mr. Maclay, after drawing a comparison between New York and Boston, and alluding to the historic associations connected with the latter, spoke as follows:

"I may be pardoned, however, for alluding to one of the effects by which a cultivation of the pursuits of your society seems invariably accompanied. Let him who will deny the *utility* (using that word in its narrowest sense) of one of the departments of horticulture (to me the most delightful), yet will he deny that it furnishes auxiliaries to virtue by substituting, for more exciting pleasures, a pure and rational employment? I never pass through the crowded streets of my own city, by any habitation from which flowers are visible, without feeling—however humble that habitation may be—that there dwells beneath that roof something of taste, and refinement, and virtue. Who here is prepared to say that those delicate and fair creations of the Divine Benignity are not designed, as they are most assuredly adapted, to awaken other and higher emotions in our bosoms than any which a mere perception of the beautiful has power to excite? 'Consider the lilies of the field, how they grow!' is the injunction of that wisdom which has connected moral sentiments with natural objects; so that the student of Nature may regard not only the forms, and coloring, and delicate pencilings which are the characteristics of these objects, but also the sensibilities which they awaken, and the qualities of which they are expressive. Take the meanest flower that scents the gale, inhale its perfume ('sweet as the breath of morn'), see its varied hues (which art can imitate, but can not equal), observe the harmony pervading its whole formation, mark the *design* of which the most insignificant portion of it gives evidence, call in your thoughts from the ordinary pursuits and selfishness of life, and abandon yourselves for a moment to the images and the associations of innocence and purity of which it is so lovely an emblem, and how secretly, yet how surely, is the mind elevated from the *gift* to the *Giver!*

'In that bless'd moment, Nature, throwing wide
Her veil opaque, discloses, with a smile,
The Author of her beauties, who, retired
Behind his own creation, works unseen
By the impure, and hears his power denied.'

"Perhaps there is no state in the Union in which the science of horticulture can be more successfully pursued, or in which a fairer prospect of benefit to the great masses of the community is held out from its cultivation, than the State of Massachusetts.

"The surface of your commonwealth is dotted with beautiful villages and towns, the inhabitants of which, deriving their livelihood from mechanical and manufacturing employments, furnish a ready and an increasing market for horticultural products. Nor to any one who has at heart the prosperity of your state, can there be a more interesting contemplation than to behold the obstacles which Nature may have interposed in the character of the soil in the vicinity of these villages gradually giving way before the instructed industry of the horticulturist. Lands reclaimed from absolute waste; the ruggedness of Nature softened by the means and appliances of Art; neat cottages smiling amid gardens and orchards, where early and late fruits—those raised with much, and those with little care—are taught to grow in obedience to the will of the cultivator. Thousands of poor but happy children, repaying, with their assistance, the love of their parents, and trained from infancy to habits of industry and observation, these are the results which the society proposes for its aim and attainment. May every prosperity attend its labors! The formation of the habits to which I have alluded in the young are, of themselves, worth all the efforts which have been made. Sir James Mackintosh once very truly said, that we *think* from our *opinions*, but we *act* from our *habits*.

"I had anticipated much gratification from visiting your exhibition. A friend, now present, when in New York, had given me a description of what I might expect to see. I thought I had made sufficient allowances for the excusable enthusiasm of a resident of your state and a member of your society; but when I walked through the rooms of the beautiful edifice erected by the society—above all, when this scene of beauty broke upon my view, I felt ready to exclaim, as the Queen of Sheba

did when she came from afar to see the riches of Solomon, 'The half has not been told me.'

"Without consuming any more of your time, let me propose for a sentiment,

"'Prosperity to the city of Boston and the Massachusetts Horticultural Society.'"

We have taken notice of the appointment of Mr. Maclay, by the Assembly of the State of New York, as one of the commissioners to investigate the affairs of the New York and Erie Rail-road Company, and to examine into the complaints made in the Legislature against some of the locations of the line of this road. In the prosecution of this duty, he went through the southern tier of counties of the state, from the Hudson River to Lake Erie—a region of the state destitute of the facilities for travel enjoyed by other portions, and, therefore, rarely visited by the tourist, but which contains scenery far more varied and romantic than can be found in the hackneyed route from the sea-board to the Falls, which is annually thronged by those who either dare not disobey the behests of fashion, or are ignorant of the many attractions which would so well repay a far more fatiguing journey. But we do not differ in this respect from other nations. Who has not heard of the lakes of Killarney, for variety of land and water scenery the glory of the British Isles? But, although reached from London by a journey of a day and a half, and this, too, by rail-road and steamboat, thousands annually pass over to the Continent instead of visiting them; and, as one well qualified to remark has lately observed, "Infinitely greater is the number of those who may speak from a personal knowledge of Como and the Jura, than of those who can hold discourse of Innisfallen and Glena."

While at the village of Owego, in the course of the journey through the region of which we have spoken, Mr. Maclay remained to visit Glen Mary, the residence of N. P. Willis. This visit was made in company with a literary friend, and the impression produced upon their minds is thus gracefully recorded:

"The village of Owego lies on the banks of the Susquehanna, which is at this point a lovely and a gentle stream, only swelling into the force and magnitude of a mighty river when the freshets of spring and autumn give it unwonted capacity. In this respect the Susquehanna differs from the Delaware,

whose current is uniformly more swift and turbulent, as, chafing with every obstacle in its progress, it flows

"'Mountain curved along.'

"Nothing could exceed the beauty of the scene which met our eye. The waters sparkled with the moonbeams, the village itself was brilliant with the luster of the night, its white cottages gleaming at intervals like the tiny silver palaces in the Eastern fable—in truth, it was the very night in which to visit Willis!

"Our route passed by many a pretty dwelling that we were half disposed to believe was the one of which we were in quest, but the distance described to us as that at which the place of our destination was situate was not accomplished until about three miles had been passed over. We had the recollection of Bartlett's picture of Glen Mary very vividly in our minds, and were on the *qui vive* to determine whether it was sufficiently accurate to enable us to recognize the original. A faithful guide it proved to be, for we instantly traced the correctness of the pictured similitude in the first glance which we caught of the house. It was situate in a gorge of meadow-land bordering the Owego Creek, the prettiest of all the many daughters of the Susquehanna, and where gently-flowing waters, skirted by noble trees, are the leading and loveliest pictures of the landscape. We were soon at the house, which is a Tuscan cottage, with lattices and portico, and embosomed with foliage.

"It looks—precisely as it was intended by its occupant it should look—like a neat and tasteful abode, without pretension to any thing but the beauty of good order, and yet one at which no one could gaze for a moment without discovering that there was a fitness and a propriety about it, just carrying out our ideas of what a cottage should be—such a one as we do not find in books of architecture, but in the simple imaginings of quiet good taste.

In the neatness of the gravel-walks which lead from the roadside, and in the profusion of beautiful shrubbery which is every where around, are seen the proper accompaniments to this cottage of the glen.

"'So sweet a spot of earth, you might, I ween,
Have guess'd some congregation of the elves,
To sport by summer moons, had shaped it for themselves.'

"Willis himself opened the door to us, and a single glance at

the apartment into which we were shown was sufficient to banish all apprehension lest the interior of the dwelling might suffer by a contrast with the charms of the exterior. There was no article of household use or adornment that showed gaudily. It might have been questioned even if the Parisian man of furniture would have given his approbation to all the arrangements; but the impression made upon the observer was that of exquisite good taste, that had grouped together the simple and the beautiful so as to give to comfort the garb of neatness and ornament.

"I may not be more particular in my description, lest I might seem to transgress the honorable laws which govern propriety. The lady of the house was there, and at her feet Maida, a noble greyhound, well worthy to be designated as was Scott's. At a side-table stood a large tulip-shaped vase of stained glass, whose burden of bright flowers was an ornament, with a world of *bijoux*.

"There was every where abundant evidence that this was a chosen house for literature: curious and exquisite engravings; volumes of the best poetry of every land, bound, as well as beseemed such rich treasures of thought, in embossed vellum and gold. Treatises of quaint and elaborate philosophy were scattered negligently, but not ungracefully, around:

> "'How charming is divine philosophy!
> Not harsh and crabbed, as dull fools suppose,
> But musical as is Apollo's lute,
> And a perpetual feast of nectar'd sweets,
> Where no crude surfeit reigns.'

"In the corner of the room was Willis's bust, of Italian marble, exquisitely chiseled by the hand of Greenough. For nearly three months the poet and the sculptor resided together in the same house in Italy, and then and there the work of modeling was done. I recollect to have formerly seen this bust in the Academy of Design in New York.

"By-the-way, in speaking of Greenough, I am glad, for the sake of an artist I am proud to number among my friends, that his celebrated statue of Washington has been removed from the rotunda of the Capitol. It stood in what is usually called a bad light, with no dark ground for relief, as in the case of the statues of Peace and War.

"Much of the harsh criticism which found its way into the public prints had its origin in this circumstance. The beholder, without either knowing or reasoning upon the cause, felt that there was something wanting, and found fault with the work itself instead of the accidental position in which it was placed.

"To us, one of the most interesting of the literary treasures of Glen Mary was the rare collection of autographs which was shown us. Ah! how many hands, now cold in death, had contributed to this treasure. I recollect more especially a translation of a Greek ode in the autograph of Byron, made by him when a boy at Harrow; notes written by LAURENCE STERNE, by CHARLES LAMB, by GARRICK, by the unfortunate but gifted L. E. L., CAPTAINS ROSS and PARRY, BASIL HALL, SIR HUDSON LOWE, the family of BONAPARTE, MADAM CATALANI, PASTA, LEIGH HUNT, HOGG, the Ettrick Shepherd, ROGERS, CAMPBELL, and, most valuable of all, by the unapproached and unapproachable SCOTT. And here, too, were letters from the wife of Byron, and from

"'Ada, sole daughter of my house and heart.'

The hand-writing of the mother and daughter could scarcely be distinguished from each other, so striking was the similarity. Nor was there lacking somewhat of a miscellany, for before us lay the '*Earl of Eglinton's*' card to the tournament, and one which speaks its own fame,

"'*Admit two to the pit.*

"'NICOL PAGANINI.'

"There was also here a queer letter from Talleyrand to his secretary, enjoining upon him to go to a particular shop in Paris, and be sure to purchase a certain kind of cigars! evidently illustrating to posterity the rare judgment of the Bishop of Autun! Canova's 'fine Roman hand' was here exhibited; and our friend, Dr. S., of Albany—orthodox though he be—would have welcomed to his great collection the autographs of SHELLEY, GODWIN, and MARY WOOLSTONCRAFT, the attachment of the last of whom to that child of genius, the painter Fuseli, forms so amusing, yet so sorrowful a chapter in the history of the passions. But I must reluctantly forbear any further mention of these relics, the examination of which was so delightful.

"Here was a miniature painted by Saunders, miniature

painter to the King of Hanover, the back-ground filled up with a vase of flowers, and a partial view of a landscape—done so exquisitely that I could not restrain my admiration. If properly allowed to speak of the original, it would be to recall how much the pleasure of that visit was enhanced by her graceful hospitality.

"A fine cabinet painting from a scene in 'Tortesa, or the Usurer,' one of Willis's own plays, did not escape our attention. It represents Angelo, the painter, drawing up the sleeve of Isabella. But let me quote from the play the scene illustrated:

> "'*Angelo* (*examining her cheek*). There is a mixture
> Of white and red here that defeats my skill.
> If you'll forgive me, I'll observe an instant
> How the bright blood and the transparent pearl
> Melt to each other!
> "'*Isabella* (*receding from him*). You're too free, sir!
> "'*Angelo* (*with surprise*). Madam!
> "'*Isabella* (*aside*). And yet I think not so. We
> Must look on it
> To paint it well.
> "'*Angelo*. Lady, the daylight's precious.
> Pray you turn to me; in my study here,
> I've tried to fancy how that ivory shoulder
> Leads the white light off from your arching neck,
> But can not, for the envious sleeve that hides it.
> Please you displace it. (*Raising his hand to the sleeve.*)
> "'*Isabella*. Sir, you are too bold!
> "'*Angelo*. Pardon me, lady. Nature's master-piece
> Should be beyond your hiding or my praise:
> Were you less marvelous, I were too bold:
> But there's a pure divinity in Beauty,
> Which the true eye of Art looks on with reverence,
> Though, like angels, it were all undress'd.
> You have no right to hide it.'"

When the intelligence of the death of Daniel O'Connell reached this country, many of our most distinguished citizens united to express their sense of the loss which Ireland had sustained in the person of her most distinguished son, who had been so long and so actively connected with her stormy history, and whose name, even upon this side of the Atlantic, had become as familiar in the mouths of men as a household word. Many eloquent eulogies were pronounced, and upon an occasion when one might have anticipated little else than fulsome panegyric, much just discrimination was evinced in drawing

the lines of the strongly-marked character of the great commoner whose death had just eclipsed the "gayety of nations."

The sentiments expressed upon this occasion by Mr. Maclay to some citizens of the State of New Jersey are highly appropriate. It is true, that while in the light of Revelation the death of the monarch upon his throne is an event not more solemn than the dread summons which calls the poor peasant from his life of toil, yet there is a manifest difference in the shock which is felt in the two cases, as also in the outward and visible tokens of sorrow appropriate to each. This distinction is happily drawn by Mr. Maclay. He had alluded to the famine in Ireland in connection with what he considered the additional calamity of the death of O'Connell, and said,

"It was becoming, in the one case, in the citizens of our Republic to stretch forth their hands, and out of their abundance to administer to the necessities of those who are ready to perish, and, in the other, it was equally befitting in them to give expression to their sympathy in what may be considered a national calamity.

"We grieve for the loss of the friend of our youth, or for those who were united to us in kindred affection, and the tears, which at the promptings of Nature bedew their graves, or are poured forth in secret, will not be restrained, although Reason tells us they are unavailing to restore the loved and lost, who will gladden our sight no more forever. We give way to the softened emotions of the hour. We indulge the sacred sorrow with which a stranger does not intermeddle, and refuse to be comforted because they are not. Yet how deeply soever the iron may have entered our soul, with these bereavements—confined within a narrow circle, and of frequent occurrence—the great mass of mankind can have but little sympathy or concernment. No general shock has been given to society, nor has any thing occurred of power sufficient to arrest its ordinary and accustomed movement.

"But when an eloquent voice, whose highest and sweetest notes were never reached but in pleading the cause of oppressed humanity, is hushed—when a heart, which beat high for love of country, has ceased to pulsate—when, in a word, as now, one of the world's great luminaries has been extinguished, we feel that there is a manifest propriety in a general ex-

pression of sorrow in some good degree accordant with a calamity so general.

"Proper tributes of veneration to the memory of the illustrious dead are among the modes by which the moral sensibilities of a nation are awakened, and purified, and elevated. That the people of Switzerland are not degenerated from the valor of Tell, has been attributed, by some, to the circumscribed limits of their confederacies, and by others to their mountain fortresses, in which freedom has so often sought a refuge. But something is justly referable to the custom of the peasantry, 'who, for five hundred years after the establishment of their independence, assembled on the fields of Morgartin and Laupen, and spread garlands over the graves of the fallen warriors, and prayed for the souls of those who had died for their country's freedom

"And may we not hope that when the dissensions and difficulties of the present hour shall have passed away—when all that O'Connell accomplished in behalf of civil and religious liberty shall have been remembered, and when all that he desired to accomplish shall have been attained—when his country shall have taken her place among the nations of the earth, thousands will pay the pious pilgrimage to his final resting-place, while a votive offering shall never be wanting to the world-renowned Liberator of Ireland who sleeps beneath? Yes!

> "'Redeemer of dark centuries of shame,
> The forum's champion, and the people's chief.
> While the tree
> Of Freedom's withered trunk puts forth a leaf
> E'en for thy tomb a garland let it be.'"

Mr. Maclay's views upon many questions of public policy are peculiar, and such as would be occasionally denounced as extreme, and exciting wonder in those who can not conceive how a sincere conviction in the most radical opinions can consist with great moderation in the expression of them. In regard to the public lands, he has always considered that the amount of pecuniary gain, in the way of revenue, to be derived from them, should be a subordinate consideration; that their settlement and cultivation, by an industrious and contented population, was a matter of far higher moment than the sum received from sales, which sometimes is a mere indication of the rage of speculation, by which the lands are taken at once

from the market and the plough; and that, in a word, Congress should abolish its present policy in regard to the public domain, and give to each actual occupant such a reasonable portion of it as he desired to cultivate.

In these views, which we record merely, without expressing any opinion as to their soundness, Mr. Maclay does not stand alone; many of his constituents entertain them; and the Committee on Public Lands in the Senate, during the twenty-ninth Congress, in a report upon an application of the State of Illinois for alternate sections of the public land to aid in the construction of a work of internal improvement, declare, that if the policy had been adopted at an early day of giving to each actual settler a quarter section of the public land, more benefit would have resulted to the aggregated states than has accrued from the policy which was adopted and is yet pursued.

Mr. Maclay has recently avowed the same sentiment in a letter written by him, in reply to an invitation to address a meeting in New York, of those who have associated themselves for the purpose of procuring from Congress a recognition of the policy above indicated. It has been extensively published, and we copy it entire:

"Among the numerous evidences of the progress of the Free-soil Doctrine continually accumulating, the following letter from Mr. Maclay, member of Congress from this city, to the National Reformers of the Seventh Ward, who have invited him to address a public meeting on the subject, is by no means the least encouraging."—*Young America.*

"WASHINGTON, *March* 18, 1848.

"MY DEAR SIR,—I duly received your letter. One of my children is very sick, and this, without any reference to public duties, will detain me here.

"Your kindness, however, in your request, is not the less felt by me that I am not able to avail myself of it, while, at the same time, I can not conceal from myself that you overrate the influence which any address of mine would have at a meeting such as that suggested in your letter. Yet the objects for which the National Reformers are associated have my best wishes, and the time is near at hand when their policy will find expression in some decided act of the national Legislature. I can express myself with the more freedom upon this subject,

because, although frequently a candidate for public favor, I have never been base enough either to relinquish or adopt an opinion to gain it, and no one who knows me will now attribute the sentiments uttered by me to any motive less honorable than that of a sincere conviction.

"In common with many better and wiser men, I have been penetrated with the profoundest melancholy at every contemplation of the poverty, and wretchedness, and crime to which so many seem hopelessly consigned, and which are especially observable in our large cities. Look at thousands of laborers, receiving what is barely sufficient to supply the animal wants of their nature, and with scarcely the hope that any future will ever dawn upon them which will find their condition materially improved! Look at the mechanic! With youth, and health, and employment, no man is more independent, or, perhaps, more happy. Yet how precarious the tenure by which he holds all these! What provision can he make for sickness and old age? Perhaps burdened with an increasing family, he can not regard each additional child as an additional blessing, but, harassed with undefined apprehensions of the future, the very sweets of domestic life are made bitter to him. Where are his opportunities for intellectual culture, to which a mind free from care and some degree of leisure are absolutely essential? Chained to a life of toil, few and far between are such opportunities, and he bequeaths to his offspring the same legacy of hardship and unrequited labor. Yet the two classes of men here mentioned, the only producers of wealth, make up the bulk of society. Surely there must be some radical defect in its organization, requiring the application of some new principle to remove evils so great and so general. I believe this principle will be found, in part, in limiting the quantity of public land which each individual can purchase, confining such purchase only to such persons as become actual occupants of the soil, making the sum required for the purchase merely nominal, and exempting the land thus acquired from alienation. For the poverty which afflicts, and the crime which disgraces society, good men have at different times suggested different remedies. A system of education, so thorough as to reach all classes, has been proposed as one of these, and we have been told that by this instrumentality crime would be diminished, and wealth and happi-

ness multiplied. But experience has shown that even this has proved delusive. Without referring to France, take the more remarkable case of Scotland, where, by an admirable system of parish schools, education is brought to the door of the humblest peasant. Yet, from the undisputed testimony of one of her own authors, the number of individuals charged with serious offenses is in England five times greater than it was thirty years ago, in Ireland six times, but in Scotland twenty-nine times.

"No, my friend, to prevent crime, remove the causes which lead or impel to it. Develop in the working population the forethought and foresight by which poverty is in most cases avoided. But who expects in the present artificial state of things to find these habits among those who (to use a coarse, but, alas! expressive phrase) 'live from hand to mouth?' Who can expect to see a sacrifice of the present to the future, when, after the simplest wants are supplied, there is nothing left? It is, therefore, I sympathize deeply with your views, because they hold out to the working man a permanent object of attachment, well adapted to develop these habits—to level the inequalities of society—the fruitful source of so much misery—and to make our country the strongest in the world.

"Within the life-time of many who are now alive, our country will have a population of one hundred millions, and this, too, by immigration and natural increase, and without reference being had to any future extension of the boundaries of our territory. With this lapse of time will come increased intelligence, and facilities for intercommunication. Now, imagine such a population organized into a great landed democracy, each man, who desired it, sitting under his own vine and fig-tree upon his own freehold! What diminution of crime! what increase of wealth! what diffused intelligence would then be exhibited! Such a country could behold with sympathy, but without apprehension, the social convulsions of other lands, and, in a military point of view, would be invincible to a world in arms. We wonder at the feeble resistance made by the Roman empire to the barbarians of the North, who, under the command of him who has not been inaptly termed the 'Scourge of God,' threw down the fabric of its power. Our wonder ceases when the historian tells us that all Italy and Africa was in the hands of seventeen hundred great families, who cultiva-

ted the lands, thus monopolized, by slaves. Why should we expect the Roman of that day to fight? He had nothing to fight for. May we profit by such an example.

"In all that constitutes a free government, this country has been justly regarded as in the vanguard of every other; but even here, where all power is in the hands of, and emanates from the people, the prejudices which we have inherited from our anti-democratic ancestors still exist; and there are not wanting those who ignorantly stigmatize, as agrarian and disorganizing, doctrines which are in consonance with the whole spirit of our government, and which must ultimately be engrafted upon the policy of the nation, from a regard to the well-being of its citizens and the perpetuity of free institutions. The truth is, we are behind many other nations in the application of our political power to social reform, and in much that relates to land gratuities, occupancy and limitation. During the present week, I have received a communication, in reply to a letter which I addressed to him, from General Pedro A. Herran, minister plenipotentiary from New Granada, now residing in this city, and who was formerly president of that republic. Under that government every settler is allowed as much land as he chooses to cultivate for himself and family—is protected in the exercise of his religious faith, whatever that faith may be—is exempted from all taxation for twenty years—is freed from every species of military service—is repaid by the government for the expenses incurred in his emigration to New Granada, and is admitted, from the moment he occupies the land, to all the rights and immunities of any of its citizens.

"General Herran concludes his letter to me by stating 'that it gives him pleasure to say to me that his government will grant all the protection which depends on its power to industrious Americans' who should desire to become cultivators of the soil in that republic.

"True and liberal policy in the concerns of government are never found disunited, and here is an illustration of the union of both.

"But I have already trespassed beyond limits which custom has fixed as the bound in which to acknowledge your letter, and I will not, therefore, tax your patience longer.

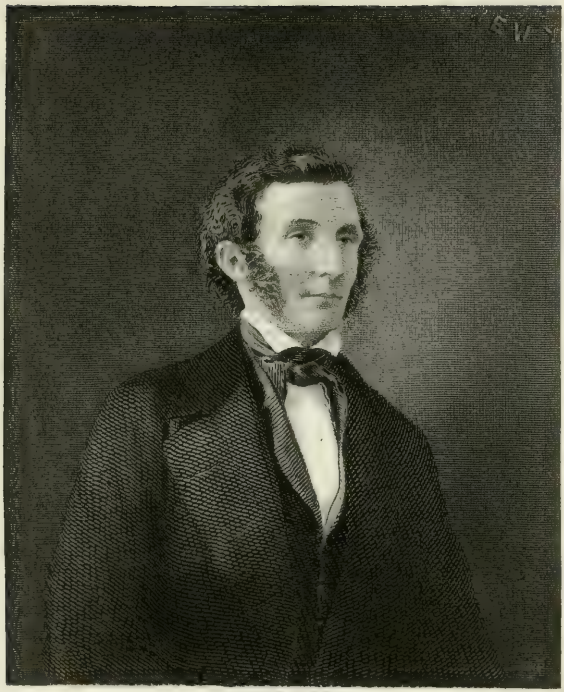
"Very truly yours, W. B. Maclay.

"J. Paul Jones, Esq."

M'ILVAINE, ABRAHAM ROBINSON,

HAS been elected for three successive Congresses to represent the seventh district of Pennsylvania, composed of the county of Chester. His paternal ancestors were from Ireland. His great-grandfather, James M'Ilvaine, with his wife and five children, emigrated from the county of Antrim about the year 1740. John, the eldest son of James, was twice married. He took for his second wife Lydia, daughter of Richard Barnard, of Chester county, and settled on Crum Creek, in Delaware (then Chester) county, Pennsylvania. James, the father of Abraham R., was the fifth of the issue of this second marriage. He married Mary, daughter of Abraham Robinson, of Naaman's Creek, Delaware, and settled upon a part of his father's estate. He is still living, a respectable and successful tiller of the soil. Abraham Robinson was the son of Thomas Robinson, who emigrated from Ireland, and married Sarah, daughter of Bartholomew Penrose.

Abraham R. is the second son of James M'Ilvaine, and was born on the 14th of August, 1804. His education was plain and practical. He married Anna Garrison, daughter of P. Mulvaney, of Belmont county, Ohio, who emigrated from Ireland about the year 1796, and married Elizabeth, daughter of Nathaniel Calvert, a descendant of Daniel Calvert, who emigrated to this country with William Penn. Abraham R. was bred a farmer, and settled on Springton Farm, his present residence, in 1833. This property is beautifully situated on the Brandywine, in the northern part of the county of Chester. Since he came into its possession, the appearance and quality of the land have been much improved. He is himself an excellent farmer. Understanding well the theory of agriculture, and carrying that theory constantly and advantageously into practice, he has given increased fertility to his soil, and beauty to his improvements. These results have not been attained



A. R. McIlvaine

merely by planning operations, and leaving to others the entire burden of their execution; for, like the great mass of the farmers of that region, he puts his own hand to the plow. He is at this time President of the Agricultural Society of Chester and Delaware counties.

In 1836 he was elected a member of the House of Representatives of Pennsylvania, and was re-elected in 1837. A nomination for the State Senate was tendered him in 1838; but, as his private affairs demanded all his time and attention, it was declined. In 1840 he was selected to represent his district in the Electoral College of Pennsylvania, and, as is known, cast his vote for the successful candidates for the Presidency and Vice-Presidency. In June, 1840, he received a nomination from what is known in his county as the great Whig meeting of the ninth of that month, to supply a vacancy in the popular branch of the State Legislature, occasioned by the death of one of the members; but the speaker of the House withholding the order for the special election, it never was held.

Mr. M'Ilvaine took his seat as a Whig member of the national Legislature at the commencement of the twenty-eighth Congress. One of the great issues then before the country was the vexed question of a protective tariff. To the consideration of that policy his thoughts had been early directed. The results of his investigation had placed him among the ardent friends and supporters of the system; and he took occasion to enforce his views in a speech delivered on the 29th of April, 1844, and subsequently on the 18th of June, 1846.

He has stood among the earliest and most constant opponents of the annexation of Texas. He spoke against that measure on the 25th of January, 1845. He assumed the position "that the annexation would be unconstitutional—injurious to the interests of the free states, as it tended to extend and perpetuate slavery, and to involve the country in war." On the 26th of March, 1846, on the bill to supply deficiencies in appropriations made for certain objects for the service of the fiscal year ending the 20th of June, 1846, he moved to strike out so much as provided for the expense of the army in Texas, and its transportation thereto, amounting to upward of eight hundred thousand dollars. He opposed this appropriation because, among other reasons, the expense for which it provided was incurred

without authority of law, and because the sending of troops into Texas, then a distinct and independent government, was the unauthorized act of the President alone. Mr. M'Ilvaine was the first member of the House who openly resisted this appropriation for the military occupation of Texas—the incipient step in the war with Mexico—and, as he conceived, the proper occasion for arresting what he regarded as the high-handed assumption of power on the part of the President. In the course of his remarks, he addressed himself particularly to that class of members who advocate a literal interpretation of the Constitution. "We may be told," said he, "by the chairman of the Committee of Ways and Means, that the money which you are about to appropriate has been already expended; that 'the faith of the government is pledged,' as in the case of the Indian Bill. Sir, I acknowledge no such obligation. The powers of the President are *delegated, specific;* and if he transcend the charter of his power—the Constitution—he acts without authority, and pledges no faith. The *agent* can bind the principal to the extent of his delegated power, and no further; and the moment he goes beyond that, he acts by his own will—imposes no obligation, and pledges no responsibility but *his own.* If the powers of the President be unlimited in this respect, where is the end of his power—where are the liberties of the people?

"The Constitution has placed the purse-strings of the people in the hands of their representatives. 'No money shall be drawn from the treasury but in consequence of appropriations made by law.' What does this mean? *Does it imply discretionary power in Congress to judge of the merits* of appropriations which it is called upon to make, or a *positive obligation* to meet all expenditures which the President may choose to make in advance? Does not the latter construction completely annihilate that wise and wholesome provision of the Constitution, remove all checks from the President, and place the treasure of the nation under his unlimited control? *Does it not emphatically unite the purse and the sword?*

"Where are the trusty sentinels now, who watch with so much jealousy the accumulation of power in the executive head? Where are the strict constructionists, who can not find power in the Constitution to improve your harbors, clear out your rivers, and protect the labor of the country? Can they con-

sent to this unwarrantable assumption of power—this reckless disregard of constitutional obligations? Sir, I protest against this unnecessary, unjust, unconstitutional expenditure of the people's money, in the name of the freemen whom I here represent; I protest against it in the name of humanity and justice; I protest against it in the name of the Constitution. And I warn gentlemen, that in the present progress of public opinion in the North, growing out of this Texas outrage, every attempt which they make to impose upon us new burdens for the support of slavery, to the prejudice of our own interests, knocks another stone from its foundation."

With equal resolution he has opposed appropriations for the "prosecution" of the war against Mexico. He *declined* to vote on the declaratory act of the 13th of May. In a speech delivered on the 18th of June, 1846, in which he adverts to that fact, he is thus reported:

"He washed his hands of this war. It was a war unnecessarily and unjustly forced upon the country by the President, without authority of law, and in violation of the Constitution, which gives to Congress alone the power to make war. He had abused the power vested in him to 'repel invasion' by the invasion of the territory of a foreign power, which had always been, and admitted by him to be, in the occupation and under the control of that power, and had undertaken to define by the sword a question of boundary which Congress had declared should be determined by negotiation. He [Mr. M.] did not vote for the war bill, because it declared war to exist by the act of Mexico, which was grossly and glaringly false; and because he did not consider a declaration of war, with its distinctive tendencies upon the commerce and business of the country, necessary to the defense of our territory. He would have voted for the supplies, and did so vote in Committee of the Whole, to the full extent asked for; not for the purpose of carrying the war into Mexico, or effecting the conquest of that country, but to relieve and sustain our gallant little army from what appeared to be imminent danger, and for the defense of the country. But he could not vote for the bill, objectionable and false as he knew a part of it to be, without an opportunity being allowed for consideration or debate, and designed, as he believed it was, to embarrass a portion of the members of that House with whom

he had the honor to act. He did not vote against it, because he did not wish to offer any impediment to the granting of men and money, which, by the act of the President, appeared to be necessary. He therefore declined voting altogether."

During the following session, on the 4th of February, 1847, he avowed his intention to vote against all measures for the further prosecution of the war. He thus states his reasons:

"The *remote* cause of the war, then, was the annexation of Texas; the *immediate*, the military occupation, by our arms, of territory in dispute between the two governments, *but in the possession* of Mexico.

"The act of May last declares that war exists between this government and Mexico, but throws upon Mexico the *onus* of its commencement. The charge is as false in fact, and unjust to Mexico, as it is disingenuous and cowardly in its authors. It was a vile attempt to cover up the grossest act of usurpation and aggression by the President known to the history of the country, and to mislead and inflame the public mind upon the momentous question of war with a neighboring sister, but weak and distracted, republic. It is a charge in the face of the settled public opinion of the country and of the whole civilized world. The burden of the commencement of this war lies at the door of your President. Deny it as you will; reiterate and again reiterate the false charge against Mexico, the fact remains unaltered and unalterable.

"But the war exists; and ample means for its vigorous prosecution were placed in the hands of the President by the act of May. If it has not been prosecuted with sufficient vigor, it has not been for want of means. I here find myself called upon, in common with every member upon this floor, to take a stand *for* or *against* its further prosecution.

"In arriving at a conclusion of what duty requires of me in this crisis, I shall be governed by two things, the *necessity* and *object* of the war. And here I will remark, with the honorable gentleman from Massachusetts [Mr. Winthrop], who addressed the committee some time ago, that I am not one of those, if any there be, who would, under all circumstances, withhold supplies for the prosecution of an existing war. So long as the nations of the earth continue the barbarous practice of warring against each other, force must be repelled by force. And al-

though I deprecate a war as one of the greatest calamities which can befall a nation, and however much I might deplore any act of my country which would justify any civilized nation in the face of the world in waging war upon it, yet I shall at all times, and under all circumstances, be ready to *defend* my country, to the last man and the last dollar necessary, against the attack of an enemy. *Does such a case exist?* Is the prosecution of this war necessary for the defense of the country? No one pretends that it is.

"Although Mexico has uniformly *claimed* sovereignty over Texas, and declared her intention, at different times, to restore it to her confederacy, yet all her acts and intercourse with this government show conclusively that it was her intention and desire to negotiate with a view to its final relinquishment; and nothing but the obstinacy of the President, and a determination to *seize upon* the desired territory between the Nueces and the Rio Grande, rather than submit it to the equitable and constitutional test of negotiation, prevented an amicable arrangement. He chose to rely upon *might* rather than *right*, and thus involved the country in a bloody and protracted war.

"Mexico demanded that, antecedent to negotiation, the American fleet should be withdrawn from her coast, that no appearance of menace should overhang her friendly resolves—*not that the army should be withdrawn from Texas.* It was not, then, for *Texas* that Mexico was contending, but the *extent* of Texas and its equivalent.

"Had the army of occupation remained at Corpus Christi, although a state of war might and would have existed between the two countries until amicable relations should be restored by negotiation, no hostilities would have occurred. The President was so advised. He was repeatedly informed by General Taylor, through his dispatches, of the tranquillity upon the Mexican frontier, and the friendly intercourse between the people of Mexico and those of Texas. He was further informed of the pacific intentions of Mexico, and her determination not to cross the Rio Grande with any military force, except small parties, for the purpose of 'preventing Indian depredations and illicit trade.'

"Isaac D. Marks, Esq., formerly United States consul at Matamoros, in a letter to General Taylor, dated at China, in

Mexico, September 23, 1845, and inclosed to the Secretary of State on the 28th of October following, says: 'I have the honor to inform you that I have had several conferences at Monterey with General Mariano Arista, commander-in-chief of the Mexican forces on the frontier of the Rio Grande, in relation to the differences at present existing between the United States and Mexico, and am pleased to state to you that, from the opinion and views he made known to me, the cabinet of Mexico is disposed to enter into an amicable arrangement with the United States in relation to the boundary, and all other momentous questions. * * *

"'General Arista pledged his honor to me that no large body of Mexican troops should cross the left bank of the Rio Grande; that only small parties, not to exceed two hundred men, should be permitted to go as far as the Arroyo Colorado (twenty leagues from the Rio Grande), and that they would be strictly ordered only to prevent Indian depredations and illicit trade. * * *

"'General Arista spoke, also, of Indian incursions on the frontier of the Rio Grande, and is under the impression that they could be prevented by the troops under your command, as the Indians always come from the Nueces River.'

"Here is not only a declaration of the friendly disposition of Mexico, but the acquiescence of the Mexican general in the jurisdiction of this government upon the Nueces. But the President had determined to make 'the line of the Rio Grande an ultimatum' in settling the question of boundary with Mexico, and General Taylor was accordingly ordered to take a position upon the bank of that river.

"Well, sir, what followed? The Mexican general commanding at Matamoros notified General Taylor, upon his arrival there, 'that the march of the United States troops through part of the Mexican territory [Tamaulipas] was considered as an act of war,' and he was summoned 'to fall back beyond the River *Nueces*,' not the *Sabine*. He was required to retire *within* the borders of Texas, not *beyond* them.

"Does this look like an intention to invade our territory? for I admit that the President was as firmly bound to defend 'the territory properly within, and rightfully belonging to, Texas' as any other state of the Union, for it had been brought

into the Union *under the form of law*, if *not* by authority of the Constitution. And although I am ready, at any moment, to gratify the people of Texas, who, according to the declaration of one of their representatives here [Mr. Pillsbury], would rather be out of the Union than in it—and in this I believe I have the sentiment of the nation with me—I concede that, so long as she remains a state of the Union, she is entitled to equal protection and immunities with the other states. But, I ask, what evidence have we that it was the intention of the Mexican government to invade the soil of Texas?

"The President, in his message, says: 'On the 18th of April, 1846, General Paredes addressed a letter to the commander on the frontier,' directing him to 'take the initiative against the enemy.' But this was more than a month after General Taylor had, by order of the President, broken up his camp at Corpus Christi and marched into the disputed territory. The order to the commander was, that 'the troops which thus act as enemies be ordered to be *repelled*. From this day begins our *defensive* war; and every point of our territory *attacked* or *invaded* shall be *defended*.' This, instead of proving a purpose of invasion in Mexico, is all purely *defensive*. There was, then, no danger of invasion from Mexico, had the President suffered the army to remain within the borders of Texas, and negotiated with her upon terms which she contended her honor required, and which might have been acceded to without any sacrifice of honor on our part. She demanded that the immediate cause of difficulty between the two governments—the Texas Question—should be arranged by a *special commission*, before her acknowledgment of amicable relations (which had been interrupted by the annexation of Texas) by the reception of a *resident minister*. Surely that magnanimity which should always characterize the deportment of the strong toward the weak, of the offender to the offended, should have prompted the President to have yielded this point to the wounded pride of Mexico; and in accepting the challenge of peace proposed by this government, to have given her the choice of arms. But, like a bullying tyrant, he persisted in his arrogant demands, and chose the more summary argument of the sword, fancying it, probably, the more *popular*, if not the most economical method of settling a dispute with *poor* and *imbecile* Mexico.

"Texas demanded the boundary of the Del Norte to prevent the escape of her slaves, and her demand must be answered. It was the preservation of this 'peculiar institution' which led to the annexation of Texas; it was this which required its extension to the Del Norte; and it is this which is passing your army into the heart of Mexico, seizing upon province after province, for the purpose of extending its area.

"Well, Mr. Chairman, if hostilities might have been averted in the first place, and were provoked by an act of aggression on our part, what evidence have we, what fears have we, that the invasion of our territory would result from a cessation of hostilities, and the withdrawal of our troops within our own territory? Sir, there are none. No one is mad enough to suppose that the country is, or could be, in any danger from Mexico. She is poor and powerless for offensive war. And however united her people may be in the defense of their homes and their firesides, and however able she may be to maintain a resolute and protracted *defensive* war, she has neither the ability nor the heart to engage in a war of *invasion*. She contested successfully for long years the power of Spain upon her own soil; and by that indomitable spirit of resistance, which has been denominated by a learned senator [Mr. Cass] 'the characteristic obstinacy of the Castilian race,' succeeded in throwing off the Spanish yoke, but was repulsed, and her army, with its chosen leader, captured by a handful of Texans whenever she stepped beyond the smoke of her own fires.

"In warring for the subjugation of Texas, she would be contending for a mere abstraction—a something which she could not enjoy. If she had it, she could not hold it: a people different in race, in religion, in every thing which goes to make up the national character. It is as absurd to suppose that Texas could again become or remain a province of Mexico, as that the Mexican provinces could, with safety to our institutions, become states of this Union. But even should Mexico be mad enough to attempt an invasion of our territory, still there is no necessity for increased means of defense on our part. The regular army, with one fourth of its present strength, could successfully defend the whole Texan frontier. Indeed, the honorable member from the Western District [Mr. Pillsbury] tells us that Texas can defend herself against any force that Mexico can

bring against her; and I believe she could. She did it when she was much younger and weaker, and why should she not do it now?

"If, then, the prosecution of this war is not necessary for the defense of the country, what is its object? Sir, it is CONQUEST —it is THE ACQUISITION OF TERRITORY. This is the stimulant which has excited the maw of the President to gulp in province after province, and yearn for a continent. This spirit it was which prompted him to 'congratulate' us, upon our assembling here, upon 'the success which has attended our military and naval operations.' 'In less than seven months,' continues he, 'we have acquired military possession of the Mexican provinces of New Mexico, New Leon, Coahuila, Tamaulipas, and the Californias, a territory larger in extent than that embraced in the original thirteen states of the Union.' And yet he proceeds to say, 'The war has not been waged with a view to conquest!' and thus defines its object: 'But, having been *commenced by Mexico*, it has been carried into the enemy's country, and will be vigorously prosecuted there, with a view to obtain an honorable peace, *and thereby secure ample indemnity for the expenses of the war*, as well as to our much-injured citizens, who hold large pecuniary demands against Mexico.' Now, Mr. Chairman, leaving out that threadbare assertion, 'having been commenced by Mexico,' which the followers of the President may learn to repeat, but can never believe, what, I ask, is it but a war for the acquisition of territory—a war for conquest?

"But the President admits—his friends here avow it—it was declared by the official mouth-piece of the President in the Senate, the chairman of the Committee on Foreign Relations, a few days ago, that territory *is* to be acquired by this war. The amount of it is, the President will not invade Mexico for the *purpose* of seizing upon her provinces, but he will prosecute a war of invasion for a paltry claim which Mexico had agreed to pay, and had in part paid, and *then hold her territory as an indemnity for the expense of the war.*

"Now it matters not whether conquest be the *object* or the *incident* of the war. It is equally wrong if the war be in itself aggressive and unjust. That it is aggressive has been already shown. Indeed, it is evident that the President himself so considers it, from his long and labored apology for its commence-

ment. The recovery of claims was an after-thought—a miserable pretext for a known wrong, which can neither be justified by any principle of justice, humanity, or *economy*. His rigmarole of wrongs, magnified and distorted, perpetrated by Mexico upon our citizens and flag, were, he says, 'ample cause of war.' Why, the offense against the national honor, and the injury done our citizens, were all wiped out by the treaties of 1839 and 1842. It was then reduced to a simple matter of dollars and cents; and it is upon this that the President now bases this destructive and expensive war. Really its *financial* are little better than its *moral* features.

"I repeat, sir, this war is a war of conquest—a war for the acquisition of territory, and nothing else. With the administration and its supporters in the South, it is a war for the extension of slavery. It is part and parcel of the Texas project, and for the same ends.* With the democracy of the North it is equally a war for the acquisition of territory, but with the exclusion of slavery; if, indeed, they be sincere in *that*, which I very much doubt. Some, I believe, are.

"Now, I ask, is there a Democrat upon this floor who will vote another man or another dollar for the prosecution of this war, if territory can not be acquired by it? No, not one.

"Well, sir, I am opposed to the acquisition of another inch of slave territory. And I will here repeat what has already been declared by several gentlemen of both parties during this debate, that, with the people of the North, this is no longer an open question. It is a fact, and a *fixed fact*. Not another foot of slave territory will ever, with their consent, be added to this Union. We are not disposed to quarrel with our brethren of the South about slavery in the states where it now exists, and which no power in this government can reach; but, believing it to be an evil, moral and political, we demand that the power of the government shall not be applied to its extension.

"But, sir, I am opposed to the acquisition of any territory, and especially by conquest. I deny that there is any power in

* *From the Charleston (South Carolina) Courier.*

"Every battle fought in Mexico, and every dollar spent there, but insures the acquisition of territory which must widen the field of *Southern enterprise and power in future*; and the final result will be, to readjust the balance of power by the confederacy *so as to give us control over the operations of government in all time to come.*"

this government, expressed or implied, to acquire territory in that way. It is contrary to the very spirit and object of the compact, which is but a union of sovereign states for purposes of mutual protection and defense. I believe we have territory enough—and particularly *such* territory as those conquered provinces of Mexico, which have not an acre in a hundred, or in five hundred, that any North American would have as a gift. But the mere acquisition of territory is not the worst feature of conquest. You propose bringing into this Union numerous provinces 'inhabited by a considerable population' (in the language of the President), regardless of their will; thus subverting that great principle of Republican liberty, which accords to the people the right of choosing their own government. Free and munificent as ours may be, it is only so because it is voluntarily assumed. Throw your political system around a people without their consent, and you perpetrate the darkest deed of despotism—you deny them the freedom of choice.

"I know that our system of government is expansive in its nature; but there is nothing known to the art of man which may not be destroyed by over-tension. It will expand as fast and as far as your people expand, and are ready for its protecting mantle. But when you propose spreading it by a single stroke over a whole series of provinces, if not an entire republic, peopled with a race different from our own in language, habits, and religion, *without their consent*, you give it a tenuity which the first rude blast will destroy.

"But I am opposed to this war upon other and higher grounds. Much as I should deprecate the extension of slavery over territory now free, and a system of wild expansion which subverts the principles and threatens the very existence of the Union, still more do I deprecate its dark and damning crime—its useless and horrible sacrifice of human life, and the train of misery and woe which it brings to the bosom of many a widow and orphan thus cruelly deprived of a husband and a father. Time, in its eventful progress, might free the slave of his shackles, and build up governments upon the scattered ruins of this republic, but it can never restore life to the dead, or heal the heart of the bereaved. The memory of the dead and the tear of the afflicted will endure with life, monuments of the fruits of this unholy war.

"The dreadful alternative of war surely should not be resorted to upon trivial grounds. It can be justified only as a last resort; and then for cause, palpable and indisputable; a necessity not to be measured by *dollars* or *acres*, but imperious and unavoidable. In my opinion, this war rests upon no such necessity.

"But we are told that the *merits* of the war are not now in question; that the country is involved in it; the Constitution places its conduct in the hands of the President, and we are bound to grant him the supplies necessary for its prosecution; *upon him rests the responsibility.* Well, I admit that those who approve of this war, and are in favor of prosecuting it for the ends proposed, are bound to grant the means. But, sir, I deny that any such obligation rests upon me. As a representative upon this floor, sworn to support the Constitution of my country, I dare not skulk behind the responsibility of any man, however high or however low, upon questions vital to the Constitution, and, as I believe, to the honor and interests of my country. I have endeavored to show that this is a war, not of *defense*, but of *offense;* that it is not *conservative*, but *destructive;* and I wish to bear this discrimination in mind.

"Wars, I have believed, are declared for cause, and they are prosecuted for their intrinsic merit. The merit of an existing war is a matter of opinion, and, under our republican system, it will cease or continue as the majority shall determine. But the fact that this war of rapine and blood has a majority in its support, can impose no obligation upon the minority, nor release it from its responsibility to the country. On the contrary, as majorities are made up of individuals, and the question of peace or war may turn upon a single vote, accountability is *single*, and not collective.

"The majority have the control of the means; the aid of the minority is therefore not *necessary*, but *gratuitous.* The war will continue as long as the majority desire it, *and no longer.* And every man is, therefore, in my judgment, bound to himself, his country, and his God, to take one side or the other. He can not be against the war and for it at the same time. He can not be opposed to its further prosecution, and yet contribute to that prosecution, seeing that the safety of the country would not be endangered by its discontinuance, nor its hon-

or compromised. His only power is his vote, and it is his vote which will indicate his choice.

"Now, I am opposed to the prosecution of this war. My people are opposed to it. They have spoken in terms not to be disregarded or misunderstood. And, being thus opposed to it, I shall vote against all measures intended for its further prosecution. This is the only means of prevention within my power. It is the means, and the only means, provided by the Constitution, and it is the very means contemplated by the framers of that instrument, as their proceedings show.

"I believe this war to be wrong from beginning to end—wrong in its inception, wrong in its prosecution, wrong in its designs and ends; and I shall vote according to my convictions. I can not see how a war wrong in all its parts can be justly or honorably prosecuted.

"As I have already said, were the safety or the honor of the country involved in the conflict, I should be ready to maintain firmly, and by every necessary means, their defense. But, Mr. Chairman, this is not the country's war—such a one as demands the co-operation and aid of every patriot heart. It is unworthy of being dignified with the name. It is a miserable political—a *party* game, in which the stakes are personal and party aggrandizement, and the die the treasure of the country, the lives of thousands of your fellow-beings, and the tears of tens of thousands of innocent women and children. It is a heartless, a soulless game, and I can take no hand in it.

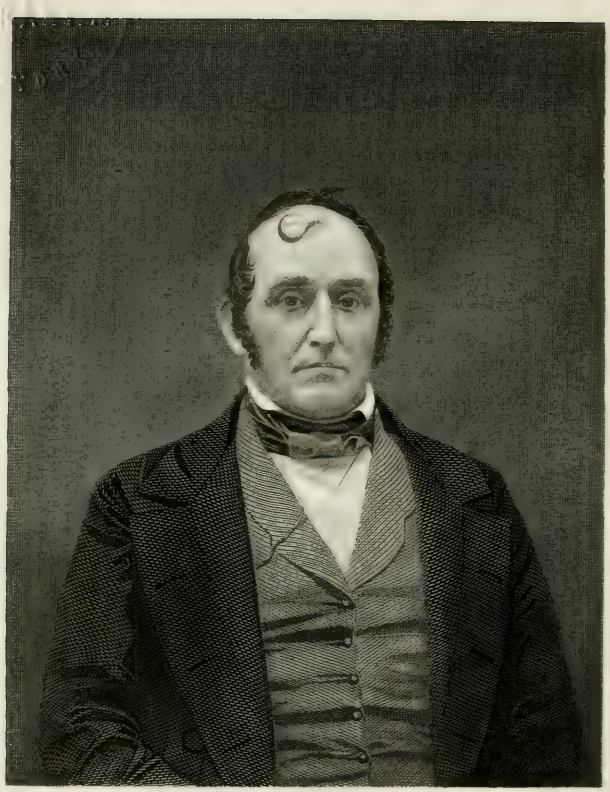
"Did I believe—as I do not—that the voice of the people was for war—*indiscriminate war*, I would exert my feeble influence to correct the public taste rather than cater for its morbid appetite; I would appeal to the virtue and intelligence of the people rather than their sordid passions.

"But I do not believe that the people are in favor of this war. I do not believe they are willing to cut the throats of the Mexicans, and murder their women and children, that they may plunder them of their territory.

"For myself I say, unhesitatingly, withdraw your troops within your acknowledged territory, propose to Mexico terms of peace just and honorable, and she will not, she dare not refuse them. Put yourself in the right, and the country and the world will sustain you."

It is understood that the constituents of Mr. M'Ilvaine have fully sustained him in the course of conduct, so precarious as to its personal results, which he has thought proper to adopt. He claims credit for at least honesty of purpose, and independence of thought and action.

He is an attentive and industrious member of the House. His manners are plain and unassuming, his address quiet and gentlemanly. He enters into public debate with much reluctance. His style of speaking is altogether conversational. At home, he is said to possess the personal esteem of men of all parties, since, however much some of his neighbors may differ with him on political matters, the excellence of his private character commands their respect, while his disposition to extend to them such kind offices as may be within his power secures their friendship



Engraved by T. Kelley.

Alex. H. Handson.

HARALSON, HUGH ANDERSON,

WAS born in the county of Green, in the State of Georgia, on the 13th day of November, 1805. He is the youngest son of Jonathan Haralson, who removed from North Carolina in 1783 to the place near Penfield, then a wilderness, where Hugh A. was born. Frugal and industrious, the father reared his children to those habits which were most calculated to insure their usefulness and success. Having been denied the opportunity of education himself, he labored to secure its advantages to his son. The elementary education of the latter was obtained at the ordinary county schools of the neighborhood, at such time as his services could best be spared from the farm. He was then prepared for college, first under the instruction of the Reverend Hermon L. Vail, and afterward of the Reverend Carlisle P. Beman, both gentlemen of high qualifications. In the month of January, 1822, he was placed at Franklin College, Georgia, entering the freshman class. During his academic course, his vacations were spent on the farm with his father, where his labor contributed to supply the means for the prosecution of his studies.

In August, 1825, he graduated, and immediately applied himself to the study of the law. In Georgia there is no time fixed by law for study as a prerequisite to admission to the bar. It is only necessary that a person intending to claim admission should prepare himself for an examination. The limited means of Mr. Haralson rendered it necessary that he should be diligent, and qualify himself for business without delay. By constant application, he was ready in six months to take his place among the members of an honorable profession. He had not yet attained the age of twenty-one years, and, until that time, he could not, without legislative interposition, be admitted to practice. Taking into consideration his circumstances and character, the Legislature passed a special act authorizing his exam-

ination, and granting him permission to enter upon the duties of his profession. Though young, and entering a bar already crowded, yet he very soon had the good fortune to enjoy a liberal share of the business of the courts. It was his good fortune to command the friendship and respect of his associates, while he won the favor of the people.

In the winter of 1828 he married Caroline M. Lewis, the daughter of Judge Nicholas Lewis, of Greensborough, Georgia, by whom he has, living, four daughters and one son.

After his marriage he removed from Monroe, Walton county, where he first entered upon his profession, to La Grange, Troup county, where he has since resided.

Continuing the practice of the law with great success, he nevertheless devoted part of his time to agriculture, in which pursuit he was equally fortunate. He took a deep interest, however, in the political movements of the day. From his early youth he had been devoted to the political doctrines taught by Jefferson and Madison, and had always opposed any exercise of power on the part of the general government which he thought threatened to infringe on the rights of the States. In 1831 and in 1832 he was elected a member of the Legislature, where he maintained the principles he professed with ability and firmness.

For a few years he withdrew from public life, in order to devote more time and attention to his private affairs. He was, however, called from his retirement into the service of the state during the disastrous derangement of the monetary concerns of the country. His principles had always led him to oppose a Bank of the United States, and the wide-spread issues of paper money. In 1837, as the well-known advocate of these opinions, he was elected to the Senate of his state, an office, the duties of which were so discharged by him as to secure his return to the same body in 1838, without opposition.

He had always manifested some partiality for military life; and, during the Indian disturbances, was found, without being called, at the head of a company of citizen volunteers, affording relief and protection to the settlements. In the last year of his service in the Senate, he was elected, by the Legislature, to a major-general's command of militia, which command he still retains. In that character, immediately after the com-

mencement of the Mexican war, he tendered his services to the governor of his state, and subsequently to the President of the United States.

In 1840, he exhibited the sincerity of his attachment to the political doctrines he professed, amid the denunciations of kindred and friends, whose love and respect he held but in little less estimation than his own character and honor. The expansion of paper money, the facility of credit, and a boundless rage for speculation, had involved the whole country in disasters, from which relief, in some shape, was anxiously sought. Without examining the causes of the prevailing distress, there were many persons who, concluding that no change could make the condition of things worse than it actually was, were prepared to adopt any expedient which might hold out even a hope of relief. Thousands upon thousands of former party-friends were clamorous for a new order of things. Old party-lines were broken down, and new party-names assumed. The State Rights party, with which General Haralson had hitherto acted, gave up the name of "State Rights," and assumed the name of "Whig." They soon became the friends and advocates of a Bank of the United States, a protective tariff, and other measures which, as State Rights men, it was said, they had always opposed. The general met with determined opposition this change of sentiment in his old associates and former political friends. The state, by an overwhelming vote, went in favor of the Whigs in 1840. In the campaign of 1842, the Democratic party selected their strongest men for the Congressional contest, and General Haralson was among them. The result was successful, and he was elected a representative of the state in the twenty-eighth Congress, by the general ticket system. In the controversy which followed [see title, HOWELL COBB], he took a prominent part in defending and vindicating what he conceived to be the clearly-defined rights of his state. Before the next succeeding Congressional election in 1844, the State of Georgia was divided into Congressional districts. The district in which General Haralson resides—known as the fourth—was organized with a Whig majority. He was, nevertheless, nominated by the Democratic party, and was elected by a large majority to the twenty-ninth Congress; and in 1846 he was elected for the third time.

Under the views entertained by Mr. Haralson of the principles and policy of our government, he has felt it his duty to support the present administration in most of the measures it has proposed. We note, as an exception, the recommendation of the President, at the last session, for the appointment of a lieutenant-general to take command of all the forces in the field. That proposition met the decided disapprobation of Mr. Haralson; and while he regretted the necessity of differing from the administration and many of his political friends, yet a sense of duty, and the judgment he had formed of the interests of the public service, left him no alternative but to oppose this executive project.

On the 4th of January, 1847, the President transmitted to the two houses of Congress the following message:

"*To the Senate and House of Representatives:*

"In order to prosecute the war against Mexico with vigor and success, it is necessary that authority should be promptly given by Congress to increase the regular army, and to remedy existing defects in its organization. With this view, your favorable attention is invited to the annual report of the Secretary of War, which accompanied my message of the 8th instant, in which he recommends that ten additional regiments of regular troops shall be raised to serve during the war.

"Of the additional regiments of volunteers which have been called for from several of the states, some have been promptly raised; but this has not been the case in regard to all. The existing law, requiring that they should be organized by the independent action of the state governments, has in some instances occasioned considerable delay, and it is yet uncertain when the troops required can be ready for service in the field.

"It is our settled policy to maintain, in time of peace, as small a regular army as the exigencies of the public service will permit. In a state of war, notwithstanding the great advantages with which our volunteer citizen soldiers can be brought into the field, this small regular army must be increased in its numbers in order to render the whole force more efficient.

"Additional officers, as well as men, then become indispensable. Under the circumstances of our service, a peculiar pro-

priety exists for increasing the officers, especially in the higher grades. The number of such officers, who, from age and other causes, are rendered incapable of active service in the field, has seriously impaired the efficacy of the army.

"From the report of the Secretary of War, it appears that about two thirds of the whole regimental field officers are either permanently disabled, or are necessarily detached from their commands on other duties. The long enjoyment of peace has prevented us from experiencing much embarrassment from this cause; but now, in a state of war, conducted in a foreign country, it has produced serious injury to the public service.

"An efficient organization of the army, composed of regulars and volunteers, while prosecuting the war in Mexico, it is believed, would require the appointment of a general officer to take command of all our military forces in the field.

"Upon the conclusion of the war, the services of such an officer would no longer be necessary, and should be dispensed with upon the reduction of the army to a peace establishment.

"I recommend that provision be made by law for the appointment of such a general officer, to serve during the war.

"It is respectfully recommended that early action should be had by Congress upon the suggestions submitted to their consideration, as necessary to insure active and efficient service in prosecuting the war before the present favorable season for military operations in the enemy's country shall have passed away.

"JAMES K. POLK.

"WASHINGTON, *December* 29, 1846."

This message was referred to the Committee on Military Affairs of the House. On the following day, that committee, through its chairman, Mr. Haralson, asked to be discharged from the further consideration of so much of the message as related to the passage of a law for the appointment of a general officer, and that it be laid on the table. The record says, "This motion was agreed to without any expressed opposition, and the subject was accordingly laid on the table."

On the day following, a motion was made by Mr. Hamlin, of Maine, that the vote by which the House discharged the Committee on Military Affairs from, and laid upon the table, so much of the message as related to this appointment, be reconsidered; and, by yeas 86, nays 84, the vote *was* recon-

sidered. The direct question was then again taken on discharging the committee, and laying the subject on the table. The affirmative vote was ninety-three, the negative ninety-seven. And then, on motion of Mr. Hamlin, this portion of the message was referred to the Committee of the Whole on the State of the Union. That course was taken, not in consequence of any expectation then existing that the House would sanction that appointment, as it subsequently did, but from an opinion, prevalent in some quarters, that the proposition of the President had been disposed of in the first instance by a process rather too summary, and which might bear the construction, though not so designed, that the House had refused to give it the respectful consideration usually bestowed upon executive recommendations.

As time passed, a great change took place in the opinions of members on this question. On the 9th of January, 1847, five days after the transmission of the President's Message, the bill "to raise, for a limited time, an additional military force, and for other purposes," being under consideration, Mr. Jacob Thompson, of Mississippi, made the following amendment:

"*And be it further enacted*, That the President shall be authorized, by and with the advice and consent of the Senate, to appoint a lieutenant-general, who shall take command of our armies, and whose term of service shall continue during the war with the Republic of Mexico."

This amendment was rejected by the following vote:

Yeas: Messrs. Stephen Adams, Joseph H. Anderson, Charles S. Benton, James Black, Franklin W. Bowden, James B. Bowlin, Linn Boyd, William H. Brockenbrough, William G. Brown, Reuben Chapman, Lucien B. Chase, John S. Chipman, Henry S. Clarke, Howell Cobb, John F. Collin, Alvan Cullom, Francis A. Cunningham, John R. J. Daniel, John De Mott, Stephen A. Douglas, Robert P. Dunlap, Samuel S. Ellsworth, Jacob Erdman, James J. Faran, Henry D. Foster, George Fries, William S. Garvin, Samuel Gordon, Martin Grover, Hannibal Hamlin, John H. Harmanson, S. Clinton Hastings, Thomas J. Henley, Joseph P. Hoge, William J. Hough, George S. Houston, Orville Hungerford, Charles J. Ingersoll, James H. Johnson, Joseph Johnson, George W. Jones, Seaborn Jones, David S. Kaufman, Andrew Kennedy, Preston King, Shelton F. Leake, Owen

D. Leib, Emile la Sere, John H. Lumpkin, Moses M'Lean, John A. M'Clernand, John D. M'Crate, William M'Daniel, Joseph J. M'Dowell, James M'Dowell, James J. M'Kay, John P. Martin, Barclay Martin, Isaac E. Morse, Moses Moulton, Moses Norris, William W. Payne, Augustus L. Perrill, Thomas Perry, John S. Phelps, Timothy Pillsbury, George Rathbun, Robert W. Roberts, Joseph Russell, William Sawyer, John F. Scammon, Leonard H. Sims, Robert Smith, Frederic P. Stanton, David A. Starkweather, Henry St. John, Stephen Strong, James Thompson, Jacob Thompson, Allen G. Thurman, William M. Tredway, Horace Wheaton, William W. Wick, Hezekiah Williams, and Bradford R. Wood—85.

Nays: Amos Abbott, Leonard H. Arnold, George Ashmun, Archibald Atkinson, Daniel M. Barringer, Thomas H. Bayly, Henry Bedinger, Joshua F. Bell, James A. Black, John Blanchard, Richard Brodhead, Milton Brown, Joseph Buffington, Armistead Burt, William W. Campbell, John H. Campbell, Charles H. Carroll, Charles W. Cathcart, John G. Chapman, Augustus A. Chapman, William M. Cocke, Jacob Collamer, James L. F. Cottrell, Henry Y. Cranston, John H. Crozier, Erastus D. Culver, Edmund S. Dargan, Cornelius Darragh, Garrett Davis, Columbus Delano, Paul Dillingham, Jr., James Dixon, James C. Dobbin, Alfred Dockery, Joseph E. Edsall, John H. Ewing, Edward H. Ewing, Solomon Foot, Meredith P. Gentry, Joshua R. Giddings, William F. Giles, James Graham, Henry Grider, Joseph Grinnell, Artemas Hale, James G. Hampton, Hugh A. Haralson, Alexander Harper, Henry W. Hilliard, Elias B. Holmes, Isaac E. Holmes, George W. Hopkins, John W. Houston, Edmund W. Hubard, Samuel D. Hubbard, Charles Hudson, Washington Hunt, James B. Hunt, Robert M. T. Hunter, Joseph R. Ingersoll, Timothy Jenkins, Andrew Johnson, Daniel P. King, Thomas Butler King, John W. Lawrence, Shepherd Leffler, Lewis C. Levin, Abner Lewis, Edward Long, William B. Maclay, Robert M'Clelland, Robert W. M'Gaughey, John H. M'Henry, Abraham R. M'Ilvaine, George P. Marsh, William S. Miller, William A. Moseley, Archibald C. Niven, Robert Dale Owen, John S. Pendleton, James Pollock, Alexander Ramsey, David S. Reid, Thomas C. Ripley, John Ritter, Julius Rockwell, John A. Rockwell, Joseph M. Root, John Runk, Cullen Sawtelle, Robert C. Schenck, Henry J. Seaman,

James A. Seddon, Luther Severance, Richard F. Simpson, Truman Smith, Albert Smith, Thomas Smith, Caleb B. Smith, Alexander H. Stephens, John Strohm, Bannon G. Thibodeaux, William P. Thomasson, Benjamin Thompson, John W. Tibbatts, Daniel R. Tilden, Robert Toombs, George W. Towns, Andrew Trumbo, Joseph Vance, Samuel F. Vinton, John Wentworth, Hugh White, David Wilmot, Robert C. Winthrop, Thomas M. Woodruff, Joseph A. Woodward, William Wright, Bryan R. Young, and Jacob S. Yost—120.

On the 26th of February, Mr. Boyd, of Kentucky, from the Committee on Military Affairs, to whom it had been referred, reported back, with certain amendments, the bill from the Senate "making provision for an additional number of general officers, and for other purposes." Among these amendments was the following:

"*And be it further enacted*, That the President of the United States be, and he is hereby authorized and empowered, at his discretion, to designate and appoint any general officer of the rank of major-general, whether of the line or by brevet, and whether of the regular army or of volunteers, who may be in the service of the United States, without regard to date of commission, to the chief command of the military force of the United States, during the continuance of the existing war with Mexico: *Provided*, That the officer so designated and assigned shall cease to exercise the duties and powers of general-in-chief, as aforesaid, upon the conclusion and ratification of a treaty of peace with Mexico."

The previous question, which cut off debate, was ordered, and an unsuccessful motion was made by Mr. Ashmun, of Massachusetts, to lay the bill and amendments on the table. The reason assigned for the motion was the fact that a provision had been inserted for the appointment of a lieutenant-general. As, however, there was a manifest desire to discuss the bill, the vote ordering the previous question was reconsidered, and the bill and amendments, on motion of Mr. Garrett Davis, of Kentucky, were referred to the Committee of the Whole on the State of the Union.

After debate, the amendment specified was agreed to in committee, and was subsequently adopted in the *House*, by the following vote:

Yeas: Messrs. Stephen Adams, Atkinson, Bedinger, Benton, Biggs, James Black, James A. Black, Bowden, Bowlin, Boyd, Brinckerhoff, Brockenbrough, Brodhead, William G. Brown, Cathcart, Reuben Chapman, Chase, Chipman, Clarke, Cobb, Collin, Cullom, Cummins, Cunningham, Daniel, Dargan, De Mott, Dobbin, Douglas, Dunlap, Edsall, Ellett, Ellsworth, Erdman, Faran, Ficklin, Foster, Fries, Garvin, Goodyear, Gordon, Grover, Hamlin, Harmanson, Hastings, Henley, Hoge, Hopkins, Hough, George S. Houston, Hungerford, James B. Hunt, C. J. Ingersoll, Jenkins, James H. Johnson, Joseph Johnson, George W. Jones, Seaborn Jones, Kaufman, Kennedy, Preston King, Lawrence, Leake, Leffler, La Sere, Ligon, Lumpkin, Maclay, M'Clean, M'Crate, M'Daniel, Joseph J. M'Dowell, James M'Dowell, M'Kay, John P. Martin, Barclay Martin, Morris, Morse, Moulton, Niven, Norris, Owen, Parrish, Payne, Perrill, Phelps, Pillsbury, Rathbun, Reid, Ritter, Roberts, Russell, Sawtelle, Sawyer, Scammon, Alexander D. Sims, Leonard H. Sims, Thomas Smith, Robert Smith, Stanton, Starkweather, James Thompson, Jacob Thompson, Thurman, Tredway, Wentworth, Wheaton, Wick, Williams, Wood, Woodworth, and Yost—112.

Nays: Messrs. Abbott, John Q. Adams, Arnold, Ashmun, Barringer, Bell, Blanchard, Milton Brown, Buffington, William W. Campbell, John H. Campbell, Carroll, John G. Chapman, Augustus A. Chapman, Cocke, Collamer, Cottrell, Cranston, Crozier, Darragh, Garrett Davis, Delano, Dixon, Dockery, John H. Ewing, Edwin H. Ewing, Foot, Gentry, Giddings, Graham, Grider, Grinnell, Hale, Hampton, Harper, Henry, Elias B. Holmes, Isaac E. Holmes, John W. Houston, Samuel D. Hubbard, Hudson, Washington Hunt, Hunter, Joseph R. Ingersoll, Andrew Johnson, Daniel P. King, Thomas Butler King, Lewis, Long, M'Gaughey, M'Henry, M'Ilvaine, Marsh, Miller, Moseley, Newton, Pollock, Ramsey, Ripley, Julius Rockwell, John A. Rockwell, Root, Runk, Schenck, Seaman, Seddon, Severance, Simpson, Truman Smith, Albert Smith, Caleb B. Smith, Stevens, Stewart, Strohm, Thibodeaux, Thomasson, Benjamin Thompson, Tibbatts, Toombs, Trumbo, Vance, Vinton, Winthrop, Woodruff, Woodward, Wright, and Young —87.

It will be perceived that the name of Mr. Haralson is not re-

corded. He was at the time kept from his seat by severe indisposition.

The bill, thus amended, was sent back to the Senate. That body, in the interval between the introduction of Mr. Jacob Thompson's original proposition and that which finally succeeded in the House, had also had under consideration a bill, reported by Mr. Dix, from its own Committee on Military Affairs, providing for the appointment of such an officer. After brief debate, the bill, on motion of Mr. Mangum, of North Carolina, was laid on the table by the following vote:

Yeas: Messrs. Archer, Badger, Berrien, Butler, Calhoun, Cilley, Thomas Clayton, John M. Clayton, Corwin, Crittenden, Davis, Dayton, Evans, Greene, Huntington, Jarnegan, Johnson of Maryland, Johnson of Louisiana, Mangum, Miller, Morehead, Pearce, Phelps, Simmons, Upham, Webster, Woodbridge, and Yulee—28.

Nays: Messrs. Allen, Ashley, Atchison, Atherton, Bayly, Breese, Bright, Cass, Chalmers, Dickinson, Dix, Fairfield, Hannegan, Houston, Niles, Rusk, Sevier, Speight, Sturgeon, Turney, and Westcott—21.

When the bill "making provision for an additional number of general officers, and for other purposes," was returned to the Senate under the circumstances we have stated, that body struck out the amendment of the House making provision for a lieutenant-general. Several conferences as to that and other disagreeing votes took place between committees of the two houses. The result was, that the House finally receded from this particular amendment, among others. Hence the appointment was never made.

During the whole term of his service prior to the existing Congress, Mr. Haralson has been at the head of the Committee on Military Affairs, including, of course, the two sessions of the twenty-ninth Congress, when public attention generally was attracted to its proceedings, and when its labors and responsibilities were of an unusually heavy character.

In this connection, we should disregard that which we feel to be a just claim upon our notice, if we neglected to bear our testimony to the manly spirit with which he has at all times stood forth in defense of the army of the United States. On more than one occasion we have witnessed the resolution, so

often lauded but so seldom practiced, with which, in matters touching that branch of the public service, he has cast aside political considerations and party trammels. We are unable, in a close observation of his course, to find a solitary exception to this general rule of conduct. For a long time prior to the existence of the Mexican war, a strong feeling of prejudice against the army and navy pervaded the national Legislature, and they were daily viewed with increasing disfavor. We do not design to speculate upon the causes; the *fact* is beyond dispute. That the evils and abuses alleged to exist in both these branches of the public service became hobbies upon which politicians desired to ride, is equally certain. To what extreme measures these feelings of prejudice and distrust might ultimately have led, if not lulled into quiescence for the time being by the sacrifices of blood and life so prodigally demanded and so cheerfully made, from Palo Alto to the gates of Mexico—

> "Where every turf beneath their feet
> Has been a soldier's sepulchre"—

it is needless for us to conjecture. Intelligent officers were themselves aware of the growth of this hostility; and some such knowledge it was, we presume, which, at a recent period, and under causes more strongly exciting, elicited the following declaration from a gallant officer of the navy, Commander Tattnall. In a letter under date of New Orleans, May 23, 1847, he says:

"I had often said, substantially, that public opinion required more from the naval force in the Gulf than could be accomplished by our inadequate means—that the service was losing *caste*—that the only mode whereby the expectations of the country could be satisfied was to exhibit a list of some hundreds of killed and wounded—that the public call for the sacrifice, and that it must in some way be made."

We have too high a respect for the humanity, as well as the general intelligence of our countrymen, to believe that the lessons of history have been so early forgotten as to render it necessary again to trace them in letters of blood, merely to refresh a treacherous memory, or uphold a drooping confidence. Nor do we think the people themselves have ever doubted that the spirit which animated the bosoms of Decatur and Lawrence, of Perry, and Stewart, and Morris, and a host of others, still

lives and breathes on the deck of an American ship of war. We heard Ogden Hoffman, in one of those eloquent and appealing effusions of his oratory, which so irresistibly force their way to the hearts of his hearers, advert to this point in the House of Representatives. Unfortunately, we find no record of the speech.

In any event, the habit of disparaging the army and the navy had become, in some quarters, so settled, that he was to be considered a bold man who would rise in his place and defend them. Nevertheless, men of this stamp were to be found in both parties, and among the foremost of them we have noticed Mr. Haralson. We recollect that, upon one occasion, it was urged as a grave matter of accusation, not less than of contemptuous ridicule, against General Scott, that in his Florida campaign he had not killed even an Indian woman or a child. The record says:

"Mr. Haralson went into a general defense of the bravery and efficiency of the officers of the army.

"Mr. Duncan interposed, and wished to inquire of the gentleman from Georgia if General Scott did not go into Florida with an army of fourteen thousand men, and not kill a single squaw or papoose.

"Mr. Haralson said he knew not so particularly about this case; but no party ties or prejudices could prevent him from saying that that officer had always been found discharging his duties with gallantry and honor to himself and his country whenever its peace and its interests were jeoparded, as his action at the Northern Lakes and many other portions of the country certified.

"Mr. Duncan propounded several other inquiries, which were replied to by

"Mr. Haralson, who then proceeded to examine and justify the policy of the government in sustaining, during a time of peace, a skeleton army, whose merits he defended with some warmth."

On another and earlier occasion, when a proposition was pending to abolish the office of major-general of the army, he said:

"I have none of those feelings in regard to Generals Scott and Gaines which some members appear to have. Those gentlemen have shown themselves gallant on every occasion when

the country required their services, and I will not detract from their well-merited reputation."

On the resolution of thanks to General Taylor and the army for their conduct in the battles of the 8th and 9th of May, Mr. Haralson, who advocated it, said, "Although there were thousands on thousands of volunteers who were ready and anxious to participate in any struggle in which their country might be engaged, it was a subject of congratulation to the friends of the army that victories such as those won upon the Rio Grande had been achieved by our own little army alone."

These are mere isolated instances, characteristic of a uniform course of proceeding.

He was in favor of Mr. Tyler's treaty for the annexation of Texas, or for almost any project which was introduced into the House, having in view the accomplishment of that object. He believed the measure to have been not only in accordance with the provisions of the Constitution, strictly construed, but called for by the general voice of the American people.

He entertained the opinion that the title of the United States to the whole of the Oregon Territory was "clear;" and when, in the second session of the twenty-eighth Congress, matters seemed drawing to a crisis, he was disposed to sustain the claim in the widest extent in which it had been made, and was ready to extend our jurisdiction and laws over every acre of the soil. In fact, he would rather have stretched the claim still further, than narrowed it down in the least. At the next session he voted for the notice, believing it to be a peaceful measure, and demanded by every consideration of policy, interest, and honor. He accompanied this vote with the expression of his desire to see the matter settled by negotiation, if it could be so settled, with a reservation that, if that could not be done, and a resort must at last be had to the *ultima ratio*, the *stake* should be the *whole* of Oregon or *none*. But he hoped that the interests of both nations, and the claims of civilization and Christianity, would prevent an open rupture and a resort to arms.

We have elsewhere noted [see title, ROBERT C. WINTHROP] the circumstances under which the War Bill was reported, and the fact of its adaptation to the Mexican Republic. Mr. Haralson has sustained the war, not only by voting supplies of men and money, but, to use his own language, "by his voice and in

his heart!" He has insisted on the utter impossibility of escaping a conflict, sooner or later, while any respect for our own interests and national character was preserved; and he has branded as impudent and unfounded the allegations so often and so boldly made, that the President had instigated the war through motives of rapacity and for purposes of conquest. While he has made no complaint of the generals employed in the prosecution of the war, but has ever been ready to give them all credit for their gallantry and conduct, he has contended that the administration itself has conducted it with an energy which ought to inspire the whole American people with confidence, and, at the same time, lead them to award the credit which was due to that administration for the laudable desire it has evinced to secure an early and honorable peace. In no spirit of party feeling, but with perfect honesty, he said he meant to do justice both to the administration and to General Taylor, and he would sustain and defend both in every thing in which they ought to be sustained and defended.

Among other measures introduced by Mr. Haralson, we note the bill of the last session, commonly called the Ten Regiment Bill. Complaints have been made in many quarters as to the delay which took place in the action of the House upon it. The delay, if any there was beyond that which the forms of representative proceeding and the rights of free discussion imposed, did not rest with the Military Committee, as may be inferred from the fact that the President's Message recommending this additional force was referred on the 28th of December, and the bill, which had been prepared in advance, was reported on the following day. We know that the chairman of the committee made many efforts, to which the House would not consent, to take it up.

We may advert here to a collateral circumstance connected with the prosecution of the war, which at one time was made a matter of some comment, in which reflections, not justified by the state of facts, were cast upon the Committee on Military Affairs. It will be recollected that, after the defeat of the Mexicans at Resaca de la Palma, General Taylor was prevented from taking advantage of his victory by the want of a pontoon train, which would have enabled him to pursue the enemy across the Rio Grande, and greatly improve the result of his

victory. Referring to the absence of this much-needed military equipment, the official paper of June the 11th, 1846, remarks:

"We have ascertained that it was a source of no less regret to the War Department than to General Taylor that it possessed neither the power nor the means of providing him with such a train. Its great usefulness and importance in military operations has, we understand, been long known to the department, and various efforts have been made to induce Congress to make provision for it. The Secretary of War, in his last annual report, strongly recommended the measure, as will be seen from the following extract:

"'The propriety of organizing a corps, moderate in point of numbers, of miners, sappers, and pontoniers, has heretofore been often presented to the consideration of Congress. The reasons for such a corps are becoming more and more evident and earnest, in consequence of the military occupation of Texas. The commanding general there has requested to be furnished with a pontoon train, deeming it very essential to the movement of the army in that country. In many parts of it, the materials for constructing bridges are not to be obtained. When that is the case, the movements of an army would be impeded or arrested by the considerable streams traversing its line of operations, unless it was supplied with the necessary equipage for crossing them, and attended by a corps instructed in the use of this equipage. The name by which this corps is usually designated—that of sappers and miners—is apt to mislead the judgment as to the nature of its duties, and, consequently, as to its usefulness and adaptation to our service. The services required of it in attacks upon fortified places constitute but a small portion of its appropriate duties. This subject is fully and ably discussed in the report of the chief engineer, herewith submitted. The recommendation in its favor is sustained by strong arguments and the highest military authority, and I trust will procure for it the favorable action of Congress. This corps need not be numerous—one hundred enlisted men being deemed sufficient; and, if placed under the command of the present engineer officers, it would not be expensive.'

"This recommendation was followed up by earnest and repeated efforts by the department to induce its sanction by Con-

gress; and the Secretary of War no less than three times, in the early part of the session, addressed the appropriate committee on the subject, urging the importance of this measure, and reminding them that the general commanding the army in Texas had called for this essential equipment to his military operations."

Mr. Haralson made this article the subject of an explanation in the House, which is thus given on the record:

"It is not known certainly that by the term 'appropriate committee,' the Committee on Military Affairs of this House was meant, or that any censure was intended against that committee; but the implication is so strong, since the subject had been before that committee, as to leave them no alternative but to make a public correction of it. While they do not object that a just compliment should be paid to the Secretary of War, and would willingly concede, themselves, to that officer, that he has discharged his duties faithfully and promptly on this subject, they are unwilling that it should be done at their expense; and it is due to them that the whole facts in relation to their action should be known; and they have directed me to state that which I shall now detail to the House: that within less than two weeks after the report of the Secretary of War was printed and laid on our tables, the bill on this subject was promptly reported to the House. On the 19th of December, the subject was referred to the gentleman from South Car olina [Mr. Burt], which was before the printed message of the President and the accompanying documents had reached this House. On the 8th of January, the bill, having been reported to this House from the Senate, and referred to the Committee on Military Affairs, was promptly acted on by that committee, and, by the gentleman from South Carolina, reported to the House for its action; and repeated efforts were made by the gentleman from Ohio [Mr. Brinckerhoff] and the gentleman from South Carolina [Mr. Burt], as well as myself (as will be recollected by the House), to have action upon that measure. Its importance was felt no more by the Secretary of War than by the committee themselves; and perhaps it is due to the committee to state, that it is not within their recollection that they 'were addressed no less than three times, in the early part of the session, on the subject, urging the importance of

this measure, and reminding them that the general commanding the army in Texas had called for this essential equipment to his operations,' as specified in the article. They have in that matter—as, I trust, it will be awarded to them that they have in every other—promptly discharged their duties to the country, sometimes anticipating the probable reference of subjects, and acting upon them before they were moved in the House—meeting, sometimes, every morning for a week together.

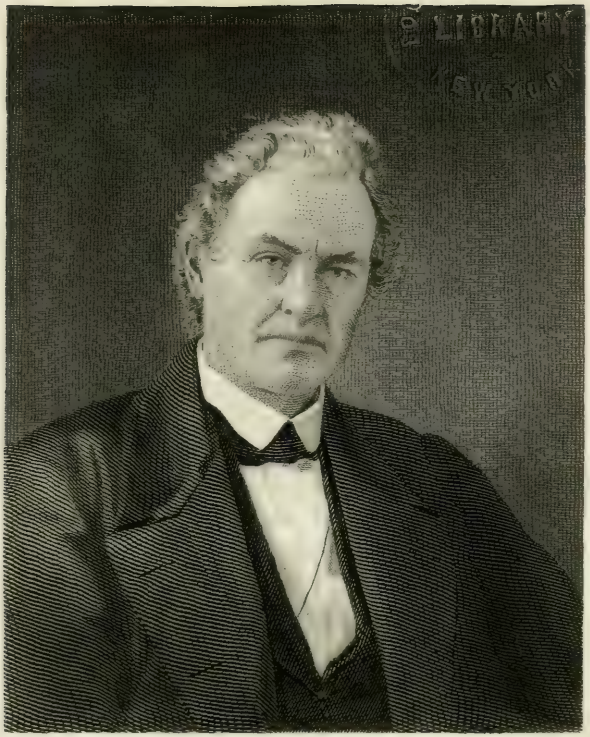
"It was not the object of the committee to reflect upon the Secretary of War or Colonel Totten; on the contrary, they took pleasure in bearing witness that they had faithfully discharged their duty on the subject; but, while this had been done, under this extract it was implied, at least, that there was a lack of promptness on the part of the Committee on Military Affairs, and it was due to them to correct any such impression, and that it should be known that they had discharged their duties faithfully to the country. A like bill had also been reported from the Committee on Military Affairs of the last Congress."

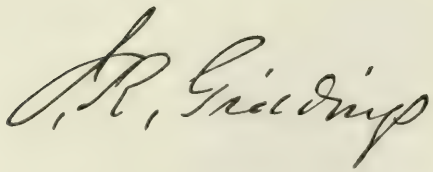
Among other propositions introduced *individually* by Mr. Haralson, we note a joint resolution, similar in purport to that which subsequently came from the Senate, and was passed by the House, authorizing the Secretary of War to cause to be refunded to the several states the amount of expenses incurred by them in subsisting, furnishing, and transporting volunteers previous to their being mustered and received into the service of the United States.

GIDDINGS, JOSHUA REED.

THIS is a name familiar to the public ear. It has been associated with much of reputed evil, resulting from the doctrines he espouses in the matter of slavery, and from the steadfastness with which he has promulgated and defended them. Look to the left of the speaker's chair, in the hollow, almost at its base; see a tall man, of stout proportions, with a stoop in the shoulders, the face marked, and the hair gray: that is Joshua R. Giddings. His ancestors emigrated from England about March, 1650, and settled at Houston, in the colony of Massachusetts. His great-grandfather removed to the State of Connecticut about the year 1725. His father left that state with his family in 1795, intending to settle in the Valley of the Wyoming, Pennsylvania. Arriving in that region of country, but not pleased with it, he left his family at a place then called Tioga Point, now Athens, and sought a more congenial spot in the State of New York. The son was born at Athens on the 6th of October, 1795, and his family removed about the 1st of October of the same year to Canandaigua, New York. Here, until the spring of 1806, being then in his eleventh year, he received a common school education. At that time his father removed to Ashtabula county, Ohio, where the son has ever since resided.

The country was then almost an unbroken wilderness, without schools, and destitute of the means by which the few youths resident upon the frontier could be educated. Hard labor was his constant lot. His father had purchased a large tract of land, the title to which proved defective, thus leaving him and the family poor, and dependent on their own energies. From 1806 to 1818, the son was accustomed to almost every hardship incident to a new and rugged country. In 1812, after the surrender of the northwestern army under General Hull, our frontier was left exposed to the depredations of the Indians and the


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invasion of the British. Orders were immediately issued, calling for the entire militia to defend the advanced settlements. The father of Mr. Giddings had been a Revolutionary soldier, and permitted him to join the troops, although not subject to military duty, being less than seventeen years of age. After they had marched two days, it was thought proper to discharge one half of the militia; but Mr. Giddings remained with those who went forward, and continued with them until they were relieved by the regular army, in November following. During this short campaign the first battle was fought by the militia on that frontier. It took place on the 29th of September, on the peninsula north of Sandusky Bay, between a body of some hundred and thirty Indians and sixty-five volunteers from our camp, twelve of whom were killed or wounded. In that battle Mr. Giddings participated. An account of it, written by himself some years ago, may be found in the "Western Repository."

In 1817 he was prevailed upon to engage in teaching a district school. He was not qualified for the business, but turned his attention wholly to it, and was able to effect a satisfactory completion of his engagement. He became a close student under a neighboring clergyman, and made rapid progress in grammar, arithmetic, and mathematics, and also acquired a pretty good knowledge of the Latin language. Having abandoned finally all further thoughts of farming, he commenced the study of the law with his friend and predecessor in Congress, Elisha Whittlesey. In February, 1821, Mr. Giddings was admitted to the bar. He settled at the county seat where he now lives, and commenced practice. He acquired business rapidly, and was soon among the leading members of the bar. In the same year he married Laura Waters, daughter of Abner Waters, of Trumbull county, farmer. He has, living, three sons and two daughters. In 1826 he was elected to the State Legislature, and in 1827 declined a re-election. He applied himself to his profession until 1838, when he was elected to the twenty-fifth Congress, to fill the unexpired term of Elisha Whittlesey, who had resigned. Since that time he has been regularly re-elected to every successive Congress. His politics are Whig.

On taking his seat as a member of the House, he found in full operation that peculiar policy by which, under the resolu-

tions of Mr. Pinkney, of South Carolina, as embodied in the rule commonly called the *twenty-first*, all petitions relating to the subject of slavery were denied either a hearing, reference, or consideration of any kind, beyond the privilege of being laid upon the table. Like Mr. Adams, who had never failed to denounce this policy as an outrage upon northern freemen and northern rights, Mr. Giddings constantly assailed it, and at every opportunity endeavored to hold it up to the reprobation of the free states. He became a favorite medium through which petitions were presented from all quarters of the Union on the subject of slavery, and especially for its abolition in the District of Columbia; and he was soon marked down as an Abolitionist in the most reproachful sense of the term.

To what extent he is entitled to this designation, the reader may decide for himself presently. We have at all times understood him to assert the power of the Federal government over slavery in the District of Columbia. He held that, by the transfer of the district to the jurisdiction of the Federal government, the laws of Maryland and Virginia ceased to have force and effect when Congress took possession of the territory; that by the act of February the 27th, 1801, the laws of those states were revived and continued in force, thereby becoming, by adoption, the laws of Congress. And he contends, that by repealing those laws *now*, slavery would, *ipso facto*, cease to exist. Closely observant of his course as our duties have compelled us to be, we have never heard him utter the first syllable in assertion of the power of the government to interfere with that institution *in the states*. On the contrary, we find his name recorded in the affirmative on the adoption of the following resolution, offered by Mr. Atherton, of New Hampshire, in December, 1838:

"*Resolved*, That this government is a government of limited powers, and that, by the Constitution of the United States, Congress has no jurisdiction whatever over the institution of slavery in the several states of the confederacy."

And, on another occasion, he said, "I protest I will stand by the constitutional interests of the South as long as any man on this floor."

In respect to the slave-trade *between* the states, we have understood him to regard it as a matter over which Congress had

no constitutional control, and with which it could not in any manner interfere.

But we have his own avowal to the fact that he *is* an Abolitionist, and we find also on record his own definition of the term, as he considers it applicable to himself.

In a speech delivered by Mr. Payne, of Alabama, on the rules of the House, in January, 1844, that gentleman was addressing himself to the Abolitionists. The record says:

"Here Mr. Payne was interrupted by Mr. Giddings.

"Mr. Payne. 'Is the gentleman himself an Abolitionist?'

"Mr. Giddings. 'I am an Abolitionist.'"

And in another place, he thus explains himself:

"I am an Abolitionist to the full extent in which I understand that term. I have conversed with hundreds, perhaps I may say thousands, but I have never heard one intimate any intention or wish to interfere politically with the institution of slavery in Kentucky, or any other state. They claim no such right, nor do they ask any such privilege. Gentlemen may consider me as speaking *ex cathedrâ*, if they choose. I say that all imputations and charges of their desire to do so are, so far as I am informed, unfounded. On the contrary, they ask to be relieved from such interference and taxation for the support of slavery. We ask that the government should not interfere with it. Let us cease to appropriate the money of the free states for the support of slavery. Let Congress cease to involve the free states in the disgrace or support of that institution, and we shall be satisfied as to political action."

And again he says:

"The term abolition is one by which, probably, no two men understand the same thing. One attaches to it one sense, another attaches to it another. Going back to the origin of the whole matter—to the adoption of the Constitution—to ascertain and develop the true point in controversy, I have compared my ideas on the subject with those of the slave-holders of the South—men of honor and of candor—with whom I have conversed, and I am yet unable to lay my hand on the constitutional principle which they deny and I maintain, or which they maintain and I deny."

It is well known—and by none better than by Mr. Giddings himself—that a feeling of prejudice against him and his doc-

trines has pervaded the House of Representatives for a number of years past. In all that he has done, we have understood him as contending for two great principles: first, for the freedom of debate, as applicable to all matters touching the question of slavery; and, secondly, that the government possessed no constitutional power to tax the free states for, or involve them in, the support of slavery—as, for example, with reference to the Florida war and the case of the Creole. That war, he has always contended, had its origin in conflicting claims to negro property between the Creeks and Seminoles.

In the enforcement of these principles, no regard has been paid to time or circumstances, or to that more subtle and indefinable thing known as the *temper* of the House. We have seen him lash its inflammable elements into fury, he alone remaining calm amid the storm. No thoughts of expediency, no considerations of the fitness of things, seem to have found place in his mind. And if he has faithfully represented the sentiments of his constituents, even his enemies must award him the praise of having done that which others, of whom better things were expected, have, in respect to the same topic in another aspect, signally failed to do.

But it is fair that he should speak for himself. In 1842–3 he published, under the signature of "Pacificus," certain essays upon the constitutional powers of the Federal government over the institution of slavery. They are worthy the attention of the jurist and the statesman. In February, 1841, speaking in the House on the subject of the Florida war, he said:

"I hold that if the slaves of Georgia or any other state leave their masters, the Federal government has no constitutional authority to employ our army or navy for their recapture, or to apply the national treasure to repurchase them. We possess no constitutional power to do either. If, however, gentlemen of the South, who hold to a strict and rigid construction of that instrument, will point me to the clause of our constitution containing such authority, I will confess my obligations to them. Such power would necessarily include the power to tax the free states to an indefinite extent for the support of slavery, and for arresting every fugitive slave who has fled from his master, within the several states of this Union. Such power I deny most distinctly and emphatically. But, sir, we have as much

right to do this *directly* as we have to do it *indirectly*. We have as much power to employ our army and navy in recapturing fugitive slaves, as we have to make a treaty with the Indians to retake such fugitives, and then employ our army and navy to compel the Indians to do it. We have as much power to tax the free states, and apply the money *directly* for the purchase of fugitive slaves, as we have to tax them to carry on a war for the purpose of compelling the surrender of such slaves; or even to apply the national treasure to the holding of such treaties. In truth, sir, we have no power *whatever* over the subject or institution of slavery *within* the several states of this Union. We have neither the power to *sustain* nor *abolish* it, to *create* or *destroy* it. I mean, sir, that we have no such powers delegated to us for *any purpose whatever*. We have not the power to sustain it in the South, or establish it in the North. I know it is said, and repeated, and asserted, that a portion of the people of the free states hold that we have the power to *abolish slavery in the States*. I can only say that I have never met with any intelligent man who has advanced such doctrine in my hearing. For my own part, I believe we have as much power *to establish slavery in the free states as we have to abolish it in the slave states*. I say nothing of the constitutional power of Congress over the *slave-trade between* the states. But, Mr. Chairman, I am not willing to believe that any gentleman on this floor will urge the right of taxing the freemen of the North for the holding in slavery the colored men at the South."

This is the basis of the doctrines put forth and illustrated by "Pacificus." They are, however, more clearly summed up in a pamphlet published in 1845, at the request of Eastern friends, and which has been very widely circulated. The introduction to it is as follows:

"*The Rights of the Free States subverted, or an Enumeration of some of the most prominent Instances in which the Federal Constitution has been violated by our National Government, for the Benefit of Slavery. By a Member of Congress.*

"INTRODUCTION.—Perhaps no subject was ever more generally misunderstood than the contest now going on between a por-

tion of the people of the free states and those who are attached to the slaveholding interests of the South. Until quite recently, the Southern doctrine, from the adoption of the Constitution, has been, that '*slavery is strictly a state institution, over which the Federal government has no control.*' This is believed by the people of the North, generally, to be the constitutional doctrine; those who dissent from it are so few that they can hardly be said to form an exception. That eminent statesman, Henry Clay, in 1844, declared, that 'the *existence, maintenance, and continuance of slavery must depend entirely upon the power and authority of the states in which it exists.*'

"From this position few Northern men will dissent. All agree that Congress has no power to uphold it; and if the states in which it exists are unable to sustain it, it should be left to perish. Congress possesses no power to compel the people of the free states to uphold the slavery of the South, neither has it any power to compel the slave states to abolish it. It can not interfere for either purpose. Still, Southern politicians and Southern statesmen have so often reiterated the fact that Northern men were endeavoring to interfere with their '*peculiar institution*,' that many Northern statesmen yet seem to be unconscious that those who have said and done most in regard to the encroachments of slavery have merely endeavored to protect the rights of the free states, and to preserve the Constitution from being subverted. They have put forth their efforts to save the people of the North from being unconstitutionally involved in the expense and crime of supporting slavery.

"The most objectionable feature of our Constitution is that provision which gives to the slave states a representation in Congress proportioned to the number of slaves which they hold. This was a *privilege* conceded to those states. By it they now have nineteen members of Congress more than they would be entitled to were freemen alone included in the ratio of representation. Yet these members, like the others, are bound by the Constitution, and possess no right to pervert the government to the support of slavery. Again: it is supposed by some, that that provision of the Constitution which relates to the arrest of fugitive slaves directly involves the people of the free states in the support of slavery. But, under the construction which that clause has received, it appears that the whole pow-

er of Congress consists in prohibiting the people of the free states from interfering to prevent the master, or his agents, from arresting his fugitive slave. We may feed, and clothe, and lodge the slave, knowing him to be a fugitive. It seems that we may go further: we may inform him of his rights, tell him how to escape, and furnish him with arms to defend himself, without making ourselves liable under the Constitution or laws of the United States. We may also refuse to feed, or to lodge the slaveholder while in pursuit of his slave; we may spurn him from our presence; and we may stand and see his slave defend himself, even to taking the master's life, and incur neither moral nor legal responsibility. Yet we may not secrete the slave from, nor defend him against, his master. So far as this supineness involves us in a negative support of slavery, so far are we liable to maintain that institution. Again: it is urged by some that, so far as the Constitution makes it the duty of the Federal government to suppress internal violence, it subjects the people of the free states to the support of slavery. The duty of the Federal government goes only so far as to *suppress the violence*. It takes no notice of slavery. But if slaves commit violence in order to obtain their liberty, such violence must be suppressed. Yet, when the violence ceases, the power of the government ceases. Our troops can not go further and deliver the insurgents to their masters, nor can they inquire whether they be masters or slaves. The business and duty of our troops is with the *violence*, and not with slavery. But so far as the suppression of domestic violence tends to the support of slavery, so far the people of the free states may constitutionally be compelled to support that institution. I make this explanation in order that I may be definitely understood. Taking this as the true construction of the Constitution, we must regard every exercise of the national influence for the purpose of sustaining slavery, every payment of money from the national treasury, every employment of the navy or of the army for such purpose, as violations of that instrument."

His doctrine, in short, is, that slavery should be let *entirely alone*—an issue which is now before the country as connected with the results of the Mexican war.

Acting on these views, he offered a series of resolutions on the 21st of March, 1842, having relation to the case of the brig

"Creole," which led to a censure by that body, to his resignation, and to his re-election by an overwhelming expression of public sentiment in his district.

The brig "Creole," of Richmond, Virginia, Captain Ensor, bound to New Orleans, sailed from Hampton Roads on the 27th of October, 1841, with a cargo of merchandise, principally tobacco, and slaves, numbering about one hundred and thirty-five. On the evening of the 7th of November, some of the slaves rose upon the crew of the vessel, murdered a passenger, named Howell, who owned some of the negroes, wounded the captain dangerously, and the first mate and two of the crew severely. The slaves soon obtained complete possession of the brig, which, under their direction, was taken into Nassau, a British port in the island of New Providence. At the request of the American consul in that place, the governor ordered a guard on board, to prevent the escape of the mutineers, and with a view to an investigation into the circumstances of the case. That investigation was made by two British magistrates, and an examination also took place by the consul. On the report of the magistrates, nineteen of the slaves were imprisoned by the local authorities as having been concerned in the mutiny and murder; and their surrender to the consul, to be sent to the United States for trial for these crimes, was refused, on the ground that the governor wished first to communicate with the government of England on the subject. Through the interference of the colonial authorities, and even before the military guard was removed, the greater number of the remaining slaves were liberated, and encouraged to go beyond the power of the master of the vessel or the American consul, by proceedings which neither of them could control.

This is the substance of the case, as stated in two protests, one made at Nassau and the other at New Orleans, and the consul's letters, together with sundry depositions taken by him. It is proper to state that the facts were subsequently controverted, positive and officious interference by the colonial authorities to set the slaves free being alleged on one side, and denied on the other. The nineteen who were imprisoned in the first instance were subsequently liberated by order of the home government.

The government of the United States demanded redress, and

claimed indemnification from the government of Great Britain. We have no knowledge that either the one or the other has ever been obtained.

Now, it was the opinion of Mr. Giddings that no crime or offense had been committed on board the Creole—no crime or offense known or recognized by the laws of the United States, or of any state composing them. Slavery, he argued, was a local institution, unknown beyond the limits of the jurisdiction by which it was created—confined distinctly and definitely to the state in which it existed; and the moment a slave was taken by his master beyond the boundaries of that state, he was a slave no longer. Proceeding on these convictions, he offered the following resolutions:

"*Resolved*, That prior to the adoption of our Federal Constitution, each of the several states composing this Union exercised full and exclusive jurisdiction over the subject of slavery within its own territory, and possessed full power to continue or abolish it at pleasure.

"*Resolved*, That by adopting the Constitution, no part of the aforesaid powers were delegated to the Federal government, but were reserved by, and still pertain to, each of the several states.

"*Resolved*, That by the eighth section of the first article of the Constitution, each of the several states surrendered to the Federal government all jurisdiction over the subjects of commerce and navigation upon the high seas.

"*Resolved*, That slavery, being an abridgment of the natural rights of man, can exist only by force of positive municipal law, and is necessarily confined to the territorial jurisdiction of the power creating it.

"*Resolved*, That when a ship belonging to the citizens of any state of this Union leaves the waters and territory of such state, and enters upon the high seas, the persons on board cease to be subject to the slave laws of such state, and thenceforth are governed in their relations to each other by, and are amenable to, the laws of the United States.

"*Resolved*, That when the brig 'Creole,' on her late passage for New Orleans, left the territorial jurisdiction of Virginia, the slave laws of that state ceased to have jurisdiction over the persons on board said brig, and such persons became amenable only to the laws of the United States.

"*Resolved*, That the persons on board the said ship, in resuming their natural rights of personal liberty, violated no law of the United States, incurred no legal penalty, and are justly liable to no punishment.

"*Resolved*, That all attempts to regain possession of, or to re-enslave said persons, are unauthorized by the Constitution or the laws of the United States, and are incompatible with our national honor.

"*Resolved*, That all attempts to exert our national influence in favor of the coastwise slave-trade, or to place this nation in the attitude of maintaining 'a commerce in human beings,' are subversive of the rights and injurious to the feelings and the interests of the free states—are unauthorized by the Constitution, and prejudicial to our national character."

The reading of the resolutions produced an immediate ferment in the House. Various motions were made—among them, a motion by Mr. Everett, of Vermont, to lay the resolutions on the table—which failed. The previous question was demanded and seconded, and the main question, which would have been on their adoption, was ordered to be taken, when Mr. Giddings, availing himself of the control which, under the construction then given to the parliamentary rule, he possessed, *withdrew* the resolutions. This he did, because he saw that, under the excitement of the moment, his political friends from the North would be likely to commit themselves against the doctrines of his resolutions, thereby placing themselves in a false position concerning the rights of the states which they represented

Immediately on this annunciation, Mr. Botts, of Virginia, remarking that the withdrawal of the matter did not affect the motive or object with which it had been offered, moved a suspension of the rules that he might introduce the following preamble and resolution:

"Whereas the Honorable Joshua R. Giddings, the member from the sixteenth Congressional District of the State of Ohio, has this day presented to this House a series of resolutions touching the most important interests connected with a large portion of the Union, now a subject of negotiation between the United States and Great Britain, of the most delicate nature, the result of which may eventually involve those nations, and perhaps the whole civilized world, in war:

"And whereas it is the duty of every good citizen, and particularly every selected agent and representative of the people, to discountenance all efforts to create excitement, dissatisfaction, and division among the people of the United States at such a time and under such circumstances, which is the only effect to be accomplished by the introduction of sentiments before the legislative body of the country hostile to the grounds assumed by the high functionary having in charge this important and delicate trust:

"And whereas mutiny and murder are therein justified and approved in terms shocking to all sense of law, order, and humanity; therefore,

"*Resolved*, That this House holds the conduct of the said member as altogether unwarranted and unwarrantable, and deserving the severe condemnation of the people of this country, and of this body in particular."

To effect a suspension of the rules, a vote of two thirds of the members present was required. This was not obtained, one hundred and twenty-eight members recording their names in the affirmative, and sixty-eight in the negative.

Mr. Giddings had introduced his proposition in the regular order of business, which was the call of the states for resolutions. The call still resting with the State of Ohio, Mr. John B. Weller, adopting Mr. Botts's resolution, now offered it as his own, and demanded the previous question upon its passage.

The Congressional Globe says:

"Mr. Isaac E. Holmes desired to be informed whether, if the call for the previous question was sustained, it would preclude the gentleman from Ohio (Mr. Giddings) from offering his defense.

"The speaker said, that if the previous question was ordered, it would be the right of the gentleman from Ohio to raise a question of privilege, and to be heard in his own defense, as the resolution involved the character and privileges of that gentleman.

"Mr. Weller and Mr. Holmes conversed across with each other, but of what passed the reporter has no idea, except the declaration on the part of Mr. Holmes, '*Fiat justitia, ruat cœlum.*'

"A motion was made that the House do now adjourn, on

which motion the yeas and nays were asked and ordered, and, being taken, were, yeas 63, nays 111. So the House refused to adjourn.

"Mr. Giddings inquired of the speaker whether, if the previous question was sustained, he would have an opportunity to defend himself.

"The Speaker. 'If the previous question is sustained, the rule of the House would require that the vote on the resolution be immediately taken.'

"Mr. Giddings. 'Would it not be a privileged question?'

"The Speaker. 'In the opinion of the chair, the gentleman would have the right, if he desires it, to be heard *now* in his defense.'

"Mr. Giddings said he would ask of the House to fix a time for the consideration of this resolution.

"Mr. Botts hoped the House would allow the gentleman from Ohio to defend himself, if he wished.

"Mr. Giddings wished the House to fix such a time as they thought proper. He would say two weeks from this day. He did not suppose the House would force him into his defense now."

The House then became involved in a point of order, and a decision was made by the speaker that the demand for the previous question could not be entertained, because the gentleman arraigned asked a postponement of his trial; and, if the previous question should be entertained by the chair, and demanded by the House, it would deny the member that privilege. An appeal was taken from this decision, and while it was yet pending the House adjourned.

On the following day, Tuesday, the 22d of March, 1842, the subject came up as a question of privilege. The decision of the speaker was reversed, and the House decided that the previous question *should* be entertained.

Mr. Weller now offered to withdraw the demand for the previous question, so that Mr. Giddings might be heard, with the understanding that, after the defense was closed, the vote should immediately be taken, without further debate. The speaker declared that the demand must be withdrawn unconditionally, or not at all. Mr. Weller declining so to withdraw it, Mr. Giddings rose and addressed the speaker, who called

him to order, on the ground that the House had reversed the decision of the chair, and had thus decided that the rules applicable to the previous question should be rigidly enforced. Mr. Triplett moved that Mr. Giddings be heard in his defense, but the speaker declared that that object could only be effected by a suspension of the rules. The demand for the previous question was then seconded, and the House decided that the main question, which was on the adoption of the resolution, should be taken. The record then says:

"Mr. Weller moved that the rules of the House be suspended, for the purpose of enabling his colleague [Mr. Giddings] to be heard *now*, if he desired it.

"Mr. Barnard. 'I hope not.'

"Mr. Everett. 'It is a matter of right, if it is any thing.'

"Mr. Stanley. 'I hope no objection will be made.'

"The speaker said that the House having decided that the forty-fifth rule was imperative, and should be rigorously executed, no motion, in the opinion of the chair, would now be in order, except a motion to adjourn, or to lay the whole subject on the table.

"Mr. Weller. 'My motion is a motion to suspend the rules.'

"The speaker decided that that motion could not be entertained; that the previous question having been seconded, and the main question ordered, no motion could intervene between that and the taking of the main question, except a motion to adjourn and a motion to lay on the table.

"Mr. Triplett said he would make this specific motion to the House: that the gentleman from Ohio [Mr. Giddings] be now heard in his defense; and inquired, 'Will the speaker put the motion?'

"The Speaker. 'The speaker will not put it. It is not in order.'

"Mr. Triplett. 'Then I move to suspend all the rules, right or wrong, that this specific motion may be put.'

"The Speaker. 'The chair has already decided that that motion is not in order.'"

An appeal was taken from this decision, which, however, was affirmed by the House. Motions were made that Mr. Giddings should, if he desired to speak, be heard by general consent; but he declined to rise. Mr. Adams moved to lay the

whole subject on the table, but the motion was rejected, seventy members voting in the affirmative, and one hundred and twenty-five in the negative. A motion was then again made by Mr. Campbell, of South Carolina, that Mr. Giddings should, by general consent, be heard in his own defense. The speaker decided that the motion could not now be entertained.

The record says:

"Mr. Giddings then rose and said, 'I stand before the House in a peculiar situation—'

"Mr. Mark A. Cooper, of Georgia, objected to Mr. Giddings's proceeding, but, at the request of colleagues, withdrew his objections.

"But Mr. Giddings did not resume the floor.

"[The following note was addressed to the reporter of the 'National Intelligencer' by Mr. Giddings:

"'To the Reporter of the Intelligencer,—When I rose so often during the confusion of the proceedings of the House this day, and was so often called to order, the last time by Mr. Cooper, of Georgia, I had written, and desired to state to the House what follows:

"'"Mr. Speaker. I stand before the House in a peculiar situation. It is proposed to pass a vote of censure upon me, substantially for the reason that I differ in opinion from a majority of the members. The vote is about to be taken without giving me time to be heard. It would be idle for me to say that I am ignorant of the disposition of a majority to pass the resolution. I have been violently assailed in a personal manner, but have had no opportunity of being heard in reply. I do not now stand here to ask for any favor, or to crave any mercy at the hands of the members. But, in the name of an insulted constituency—in behalf of one of the sovereign states of this Union—in behalf of the people of these states and the Federal Constitution—I demand a hearing, agreeably to the rights guarantied to me, and in the ordinary mode of proceeding. I accept of no other privilege—I will receive no other courtesy."']

"And the question recurring, first, on the adoption of the following resolution—

"'*Resolved*, That this House hold the conduct of the said member as altogether unwarranted and unwarrantable, and

deserving the severe condemnation of the people of this country, and of this body in particular' "—

The vote was taken, and stood one hundred and twenty-five yeas against sixty-nine nays. The resolution, therefore, was adopted; and the question on the preamble having been also taken, the vote was one hundred and nineteen in favor, and sixty-six against it.

Immediately upon the annunciation of this result, Mr. Giddings resigned his seat, and took his departure for home.

On his arrival in Trumbull county, within fifty miles of his residence, he found the people under great excitement. He reached the village of Warren in the morning. He was constrained to stop and address the people. A few hours brought an immense concourse together. At this gathering, General Perkins, one of the most influential men of the state, presided. A gentleman of high standing in the Democratic party brought forward a resolution approving the course of Mr. Giddings, made a speech in his favor, and proposed that he should be regarded as a candidate for re-election, without any nomination by Convention. There was entire unanimity of feeling, and the proceedings of the meeting were published the next morning in an extra and sent through the district. When he arrived at home, he found a committee from Lake county awaiting his return, in order to urge his attendance at a meeting of the people there. In short, in every county of the district he addressed public meetings, at which the strongest sympathy for himself, mingled with a spirit of determined opposition to the proceedings of Congress, was manifested. The result was his triumphant re-election to a seat in Congress.

Since that time he has omitted no opportunity to inculcate and enforce his opinions on the same general subject. The annexation of Texas and the Mexican war, both of which he has strenuously opposed in every stage, have opened to him, as to others, an ample field for discussions of this kind. In the case of Texas, when the joint resolutions for its annexation to the Union were under discussion, he attempted to introduce a proviso that all the negotiations be made on the express understanding that, in fixing the ratio of representation in Congress, no state hereafter to be formed out of the territory included in the boundaries of Texas should include other than the free pop-

ulation therein. At a subsequent period he introduced the following declaratory resolutions, which the House ordered to be laid upon the table:

"*Resolved*, That, prior to the adoption of the Federal Constitution, each of the several states composing this Union possessed exclusive jurisdiction over the institution of slavery within its own territory, with power to continue or abolish it at pleasure.

"That, by adopting the Federal Constitution, no portion of the powers aforesaid were delegated to the Federal government.

"That the existence, maintenance, and continuance of slavery must depend exclusively upon the power and authority of the states in which it is situated.

"That the Federal government, possessing no powers except those delegated by the several states, is clearly destitute of all authority to establish, support, extend, or perpetuate slavery.

"That all attempts of the executive and of Congress to associate a foreign slave-holding people in making and administering the laws of this nation are in palpable violation of the Constitution, destructive to the interests and the honor of the free states, and will constitute an outrage upon the rights and the honor of those states, unequaled in the history of civilized government.

"That no act of the Federal government can impose any obligation whatever upon the free states to unite with Texas upon terms so unequal and unjust, and so palpably opposed to their constitutional rights, and subversive of their reserved powers.

"That a voluntary surrender by the free states of their interests, their political rights, and their sacred honor, to the keeping of slaveholders, would prove them unworthy of the trust reposed in them by their Revolutionary ancestors."

He was one of the fourteen who voted against the act of the 13th of May, declaring the existence of a state of war with Mexico [see title, ROBERT C. WINTHROP], and he has since then uniformly voted against all supplies and appropriations for its prosecution.

He introduced, in 1842, the *first* petition ever presented to Congress, calling its attention to the wheat-growing interests of the Northwest, and asking the adoption of such measures as

would procure the admission of our wheat into foreign ports on terms of reciprocity. The petition came from a number of gentlemen of Warren, in the county of Trumbull, Ohio. A select committee was appointed, which had not discharged its duties when, in consequence of the vote of censure, Mr. Giddings resigned his seat.

He has sustained river and harbor appropriations in no sectional spirit, but upon the ground that, while the West cheerfully contributed its wealth and influence to support, maintain, and protect Atlantic interests, it demanded, in return, the same generous support for the commerce of the Lakes.

Though opposed in the twenty-eighth Congress to giving the notice to Great Britain to terminate the joint occupation of the Oregon Territory, he was in favor of it in the twenty-ninth. His reasons were these: that the policy of the nation, since the expiration of the twenty-eighth Congress, had been changed, and, with it, the essential elements of our government had been changed, and its fundamental principles overthrown. By the annexation of Texas, he argued, the balance of power had been taken from the northern section of the Union, and had rendered the *whole* of Oregon necessary to its restoration. He did not believe that the giving the notice would produce war, but was inclined to the opinion that war would be the result of the subsequent step—that is to say, of taking possession of the whole territory. But even this issue, with all its horrors, revolting as they were to the feelings of humanity, he would prefer, rather than see the people sit down in quiet indifference under the slave-holding power.

It is known that, at the commencement of the present session of Congress, he separated from the great body of the Whig party on the question of the election of speaker. He gives this explanation: that Mr. Winthrop, during the twenty-ninth Congress, serving on the Committee of Ways and Means, had united in reporting all the various appropriations for carrying on the war against Mexico. Believing, as Mr. Giddings does, that that war is unnecessary and unjust, and that the invasion of Mexico is an outrage upon her people, he regards every life sacrificed in its prosecution as murder, attended with all the moral guilt which attaches to that crime. He considers that all who aid in any degree in maintaining or supporting the war, are

necessarily involved in the responsibility of these outrages; and believing that Mr. Winthrop would so constitute the Committees of Ways and Means and of Foreign Affairs as not to secure reports in favor of arresting the war, but rather in favor of its further prosecution, he could not, consistently with his views of moral duty, cast his vote for that gentleman without involving himself in the responsibility of sustaining it.

We have thus endeavored to present an impartial memoir of a man who, for good or for evil, has filled some space in the public mind. He is known to have charged upon us, in our official connection with him, a prejudice so strong as to incapacitate us from giving a fair representation of his course. While we have never been conscious of such a prejudice, we have taken no measures to remove the impression of its existence.

A running debate occurred one day, in which Mr. Giddings and a Western member sustained the principal parts. Some spirited questions and retorts passed between them. The next morning, both were dissatisfied with the report, and both complained of *us*. Mr. Giddings, who thought that the Western member had, by our agency, been made to come off the best, consoled himself with the reflection that our attachment to Southern institutions was so strong as seriously to bias our judgment and warp our feelings in his disfavor. The Western member, on the contrary, complained that he had not only been untruly, but *unfairly* reported, and ascribed the fact to our sympathy with Mr. Giddings and his anti-slavery doctrines. We repelled the imputation of *unfairness*, but maintained silence as to the other complaints. Time passed on, and at a subsequent session we informed both gentlemen of the fact that *we were not at our post when that portion of the debate took place, and that the whole report was the work of another hand.* This was what the lawyers call an *alibi*.

We believe Mr. Giddings to be a sincere man; we know him to be an able and an eloquent man. The odium which attaches itself to the peculiar opinions he entertains, has kept him down from that position in the House which, under other circumstances, he would undoubtedly have occupied. He is called a demagogue; with what truth, the country will judge. Names, Mirabeau remarked, were sometimes *things*. They frequent-

ly take the place of arguments, and accomplish ends where arguments would fail. But, whatever of demagogism may have been evinced in the House in relation to the question of slavery—and there has certainly been much—it is but truth to add that it has not been *all* on the part of the North. The South has made *its* exhibitions too; and the future historian must tell whether much of the excitement which, for many years previous to the repeal of the twenty-first rule, pervaded the House and disgraced its deliberations, has not grown out of the proceedings of Southern men, who have fed the flames of that excitement. Whatever portion of the responsibility of these things, if any, belongs to Mr. Giddings, he must take. It is not our province to screen him. Nor has he sought our aid. He claims that the war on his part has at all times been a war of defense, and that he has never, in a solitary instance, introduced the subject of slavery except for the purpose of relieving the North from what he deems its unconstitutional support of that institution.

Recognizing no expediency, and sparing no object which he regards as legitimately open to his attacks, there is an intense bitterness in his expression—a concentration of wormwood in his language—which, to those who do not know the man, would betoken a ferocity of disposition painful to contemplate. Yet, that the reader may judge whether even *this* cause of complaint has been all on his side, or to what extent, if at all, those of the South who oppose him in debate have fallen below *his* standard, we take a few extracts from the records.

In February, 1845, pending a discourse on the bill making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with the Indian tribes, the following scene is recorded in the Congressional Globe:

"Mr. Giddings took the floor, and spoke against the bill mainly on the ground of certain objectionable items therein contained; reviewing, also, the history of our past, and examining the features of our present Indian policy.

"One of his objections was, that appropriations were made for objects which the country did not generally understand. From the foundation of the government of the United States, Congress had uniformly refused to pay for any slaves of Southern gentlemen, and, consequently, the claimants for slaves had left Congress in disgust, and gone to the executive departments, who *had* paid them. Many gentlemen here were not aware of the principles on which the government had steadily and uniformly refused to make compensation for slave property. He referred to the case of Francis Large, who had a negro and a horse and cart im-

pressed a day or two before the battle of New Orleans. The horse and negro were killed, and the cart destroyed; and when the claim came before Congress, compensation was allowed for the horse and cart, but Congress refused to pay for the negro, on the ground that compensation ought not to be made for persons. Notwithstanding, the executive power had usurped the legislative functions of the government, and, in paying for slave property, had brought this government to support the immoral and detestable institution of slavery. Mr. Giddings then went on to explain the treaty under which Indians were compelled to pay for property stolen by them, and went into a statement in relation to claims that had been made on the Creek Indians by the slaveholders of Georgia for negroes that had run away, and been retained by such Indians, for which they were made to pay more than three or four times the value, the money having been deducted out of their annuities. He also stated that the slaveholders of Georgia, not satisfied with this, claimed $149,000 which was in the hands of the government, belonging to the Indians; and a committee of this House, a majority of whom were slaveholders, made a report, containing the monstrous proposition that this $149,000 should be appropriated to those slaveholders of Georgia, as a compensation for the value of the children that would have been born of their runaway negro women, had they remained in slavery.

"This proposition was so monstrous that it was not adopted by the House. Now, it would be asked, what had all this to do with the bill before the committee? Why, a number of negroes who ran away in Florida, and fled to the Seminole bands, intermarried with these Indians, and many of the chiefs had negro wives and negro children. Now, when the Florida Indians were subdued, and were about to be removed from that territory, they refused to go into the district allotted to the Creeks, because they demanded that they should surrender up their negro wives and children to them, on the ground that they had been, prior to this, compelled to pay for runaway negroes three or four times as much as they ought to have paid. It was to these points he had called the attention of the committee, and he wished to call the attention of the country. He desired to call the attention of the executive department and the people to the fact that legislative functions had been usurped by the executive within the past few years in a manner never before known in the country.

"Mr. E. J. Black desired to say a few words, not in reply to the gentleman from Ohio, because he did not think it necessary to reply to him. That gentleman had been used up, and kicked about in every corner of the House too often for him to think it worth while to notice him. The course of that member had been such, that, if the colony of Monrovia was one of the appendages of the government, and he was President of the United States, he would send him there; for he did not know a man in the United States that would be better fitted for the society there. The speech of the member was an old song that he had often sung before, and always sung the worse every time he repeated it. He remembered, four years ago, when the member stood in Sleepy Hollow there, and delivered the same speech; but it was a much better speech then than now, because it was new. Did not the gentleman remember how he replied to him, and told him that slavery was no evil, and that the people of Georgia did not consider it as an evil? He would tell him now that they did not consider it an evil. Did the gentleman contradict him? If the gentleman thought that the people of Georgia, or a single, solitary district of Georgia, thought slavery an evil, he would yield him the floor to enable him to say so, and give his authority for it.

"Mr. Giddings rose and said, 'Have I the floor, Mr. Chairman?'

"Mr. Black. 'I yield the gentleman the floor for that purpose only—to reply to my question.'

"Mr. Giddings. 'I have the floor, I believe?'

"Mr. Black. 'To reply to that question only. I retain the floor, so that I can answer him.'

"Mr. Giddings. 'I intend to reply at length.' Mr. Giddings then made a few remarks, which the reporter did not distinctly hear, when

"Mr. Black rose and said he had yielded the floor to the gentleman to answer one single question. He had told him that the people of Georgia did not regard slavery as an evil, and that he would yield him the floor to deny it, if he thought proper. For no other purpose would he yield him the floor.

"Mr. Giddings would say, with all due deference to the House, that he did not think it incumbent on him to answer the low, dirty, and vulgar tirade of abuse that had been heaped on him by the gentleman from Georgia (Mr. Black). This was not a place for statesmen to indulge in or reply to such language. He came not here—the people he represented never sent him here—for any such purpose; for, when they sent their servants here, they expected them to speak on subjects interesting to them and to the nation.

"Mr. Black here called on the gentleman to answer his question.

"Mr. Giddings continued. 'The people expected their representatives to speak of the manner in which the money drawn from their pockets had been paid over to the slave-drivers of Georgia, without reference to the low and vulgar tirades of abuse that might be uttered on that floor.'

"Mr. Black again called on the gentleman to answer his question.

"Mr. Giddings continued. He said that, in consequence of paying the slave-holders of Georgia for unborn children that were never begotten [laughter], when the government took from his constituents their money for this execrable purpose, they expected that he, their representative, should speak of it in the terms it deserved. It was true that he did, four years ago, bring these facts to the notice of the House; and how many of the reporters were there who noticed what he said? How many members were there who knew them? Had the press thundered these astounding facts in the ears of the people of the North? He thanked his God that the time was coming when the press would be obliged to speak out on this subject. The North was waking up, and would, before long, demand that this government should no longer sanction the immoral and inhuman institution of slavery.

"In reference to the gentleman's question, he would say that he had no idea that the people of his district should estimate the value of Southern slaves, born or unborn, begotten or unbegotten. That was the gentleman's peculiar business, and to him he would leave it. 'But,' said Mr. Giddings, 'when he calls on us to pay for them, then it becomes the duty of every Northern man to speak out, and to let the country know that their rights are thus trampled on. The freemen of the North, Whigs or Democrats, when they find themselves taxed, and their money taken from them to pay for Southern slaves, expect their representatives to raise their voice against it.'

"He proceeded to say that he and his friends did not interfere with, nor encroach on the rights of the people of the South; and if the gentleman from Georgia could show that it was their duty to interfere with the institution of slavery, let him do so.

"Mr. E. J. Black asked the gentleman from Ohio to answer the question and discuss the point which he had put to him. He had spoken fifteen minutes without touching the point, whether the people of Georgia, or any portion of them, denounced slavery as an evil.

"Mr. Giddings said he was not the representative of Georgia.

"Mr. E. J. Black then called the gentleman from Ohio to order.

"Mr. Giddings said he had the floor, and he would not yield it until he had exhausted his hour.

"Mr. E. J. Black said he had only yielded the floor for a particular object, and if the member from Ohio did not intend to touch upon that, he (Mr. Black) should claim the floor.

"The chairman stated the gentleman from Ohio had refused to accept the floor otherwise than unrestricted, and to this the chair understood that the gentleman from Georgia assented.

"A long conversation ensued, and various appeals were taken, and ultimately the decision of the chair was reversed, and the floor was restored to the gentleman from Georgia.

"Mr. Black then resumed. He said it might be that he was in error when he undertook to speak to or of the member from Ohio. The member from Ohio had complained that he had been assailed in a low, dirty tirade. He (Mr. Black) did not regret the language he had used to that individual; he only regretted that there was occasion or necessity to speak to, or of him, at all on this floor. No well-bred man could speak to, or of that individual, or even look at him, without becoming low and dirty. He (Mr. Black) was sorry the occasion required him to repel the slanders of the member from Ohio on the people that he (Mr. Black) represented in part. He regretted that the thousand and one slanders of the member from Ohio against the people of Georgia required that he should notice that member at all. The member from Ohio talked about his character, and yet how often had he stood there and told the most marvelous stories about the oppression of the slaves? But the other day that person told an anecdote, on this floor, of a slave who first attempted to cut his throat, and afterward drowned himself in yonder canal, from fear of being sold by his owner. Now he (Mr. Black) had made it his business to investigate this matter, and he had ascertained that it was false from beginning to end. He had ascertained that the negro fellow, for whom the gentleman had expressed so much sympathy, so far from drowning himself under the influence of an apprehension of the renewed horrors of slavery, pretended to cut his throat, but cut only a small piece of the flesh, which a surgeon sewed up again. He was sold, and has now a master.

"Mr. Giddings. 'That is another case.'

"Mr. Black said it was the identical case, and the gentleman had imposed upon the House in relation to it. That negro was a fellow of the worst character; he had frequently run away from his master, stole every thing he could lay his hands upon, and was wholly unmanageable. That was a specimen of the negroes for whom the sympathies of the member from Ohio were excited, and whom he selected as examples of the horrors of slavery. Why, did the member from Ohio not recollect that he had been charged with going upon the common here, and putting in a claim to a wagon that was used for stealing negroes—which had been used clandestinely for that purpose? The man whose wagon it was, was named Torrey, a worthy associate, and co-mate, and co-laborer of the member from Ohio—a man who was now in the Maryland penitentiary. If he were permitted by the rules of the House, he would say that the member from Ohio ought to be along with him. [Laughter.] He knew, if such a thing could be put to the vote of this House, that he would be keeping company with the Rev. Mr. Torrey. But the member from Ohio talked about his character! Now he asked that member if he had not folded up a calico frock, and sent it under frank through the post-office as a public document. The member from Ohio talked of 'garments dyed with blood,' and that had reminded him (Mr. Black) of this calico garment. And how was that dyed? It had the dye of fraud upon this government upon it, and the member from Ohio, after that, should not come here and talk about morality.

"The honorable gentleman made some further remarks, in which he told the member from Ohio to go home to his people to ascertain if he had any character there; for, before God and the country, he (Mr. Black) declared that he had none here.

"Mr. M'Dowell inquired if all this was in order.

"Mr. Giddings. 'Oh, it is very interesting indeed.'

"Mr. Burt entreated his friend from Georgia not to push this matter further.

"Mr. Black resumed. He had no more to say on that point. He regretted, as much as the gentleman from South Carolina could do, that he had been led to refer to the member from Ohio. Since 1839, year after year had the gentleman from Ohio indulged in slander on the people he (Mr. Black) represented, and had said that they were slave-dealers, and men who had no regard for morality or humanity. Day after day did Southern men sit there, and cower under the assaults—the mendacious assaults of Northern members. He spoke not of the member from Ohio alone, but of members who presented abolition petitions on this floor, which, if they were carried to Georgia or South Carolina, and read to meetings there, it would be worth the life of the man who dared to slander thus the people there. When such assaults were committed, should he sit silently and take what his people would not take? Civility to these people was but 'throwing pearls before swine;' the only way was to pay them back in their own coin. He remembered, in 1839, the member had charged the whole people of Georgia with having instigated the Florida war by a theft on the Florida Indians. He (Mr. Black) had felt it incumbent on him at that time, amid a storm of order, to vindicate his people, and give the lie direct to the gentleman from Ohio. His people at home would have done it, and would have even gone further—to the extent, as he had then told the member, of inflicting the Lynch law upon him. There was not a member from the South or Southwest on this floor, who, if the member from Ohio were to walk up to him on the avenue, and read him a paper as personal as nine tenths of the abolition petitions presented here, would not knock him down in his tracks; and he (Mr. Black) would not surrender his natural rights here by refraining to repel such slanders upon the honor of his constituents.

"The gentleman had objected to the bill, and contended that a portion of the money due should be detained from the Indians for the slaves that they had stolen away. Thus (Mr. Black argued) the gentleman himself would encourage the Indians in these thefts. It was such a case as was made out for Rev. Mr. Fairbanks and Miss Delia Webster in Kentucky; on which case Mr. Black commented. This Delia Webster, Mr. Torrey, Mr. Walker, and others, were in the penitentiary; and when the member from Ohio was returned to the twenty-ninth Congress, no doubt that the young members would be regaled by many sad and doleful jeremiads upon the fate of these martyrs to the cause of human liberty! The gentleman's character, and the staleness of these charges, should be exposed to them.

"Mr. Black having concluded,

"On motion of Mr. Hopkins, after several points of order, the committee rose and reported progress.

"On motion of Mr. M'Kay, a resolution was adopted to terminate all debate in committee on this bill in twenty minutes after it should again be taken up in Committee of the Whole on the State of the Union.

"Mr. M'Kay moved that the House again resolve itself into Committee of the Whole on the State of the Union.

"Mr. C. Smith moved that the House adjourn.

"The yeas and nays were asked and ordered, and, being taken, resulted, yeas 73, nays 89.

"On motion of Mr. M'Kay, the House again resolved itself into Committee of the Whole on the State of the Union, Mr. Vinton in the chair, and resumed the consideration of the above bill.

"Mr. M'Kay explained that the gentleman from Ohio (Mr. Giddings) was under very great misapprehension concerning this bill. The item from the Commissioner of Indian Affairs for the purchase of negroes, and 'for important services rendered,' did not come into the ordinary appropriation bills. In February, 1841, Congress, at the instance of Northern gentlemen—he believed a distinguished gentleman from Vermont—appropriated $100,000 for the removal, subsistence, and benefit of such Seminole Indians as should surrender for emigration. The construction put upon that act, in March, 1841, under the administration of Gen. Harrison, admitted a very broad discretion in regard to it. Mr. Bell, Secretary of War, a few days after, issued instructions to Col. Worth, commanding officer in Florida, in regard to these negroes, who had run away from their masters in Florida, that they might pay their owners for them. There were a number of these slaves (say about nine) that had ran away from their masters, and went to the Seminoles. They, the Seminoles, refused to come in, and enter into the treaty, unless a stipulation was entered into by General Worth that these slaves should accompany them when they were removed.

"Mr. Giddings said he was satisfied with the gentleman's explanation. In the ordinary discharge of his duties as a representative on that floor, he assured the committee that while he did not claim to be above any member there, he did not admit himself to be inferior to any one. His people were an independent people, and their representative was as much entitled to respect as any other member on this floor.

"So far as regarded character and standing, he would say that it was for his constituents to judge if he was worthy to represent them. If they should thrust him aside as unworthy to represent them, he would have nothing more to say. If his course on that floor had been such as to meet the condemnation of his constituents, and to cause them to thrust him aside, he should hide his head with shame. The gentleman from Georgia would make his own application of this remark. Coming here, condemned as he was by the people he represented, saying that he was unworthy to represent them any longer, and then to talk about character! The gentleman talked about knocking him down. Did he think the people he represented would send a coward here? One gentleman had once drawn a Bowie knife on him, and others had used menacing and insulting language toward him. Did gentlemen think to brave the freemen of the North because they were modest and unassuming, and disapprove of fighting duels? Did the gentleman talk about knocking him down, because he dared to do his duty on that floor? [Here Mr. Black, who was in the aisle immediately behind Mr. Giddings, made some remark about knocking down, which the reporter did not hear.] Mr. Giddings continued. He had never seen an infernal coward that did not talk loud—

"[Mr. Black was here observed rushing into the bar toward Mr. Giddings, with a cane upraised, but was seized and withheld from entering the bar by Mr. Hammet and other Southern gentlemen. There was much noise and confusion at this time, with frequent calls to order. When the uproar subsided],

"Mr. Seymour moved that the committee rise.

"The chair said that the gentleman from Ohio (Mr. Giddings) was entitled to the floor.

"Mr. M'Kay hoped the gentleman from Ohio would not indulge in any more personal allusions.

"Mr. Giddings continued. As regarded the anecdote he told the other day

of the slave who drowned herself in the canal, he had it from the best authority—one of the purest and best of men, whose word was universally believed. As regarded the franking story, he declared, before God, that the infamous falsehood originated in this hall, and was repeated here. It never was heard of before it was repeated on that floor. As regarded the wagon story, he contradicted that infamous falsehood last year, when it was put forth in that House. He challenged all creation to show that he ever had any knowledge of that falsehood till he was charged with it by a gentleman on that floor.

"He had no more to say in reply to the assaults of the gentleman from Georgia. They were worthy of the source from whence they came. It was a new era in the history of legislation, when assaults such as this were permitted on that floor. He blushed, and felt humbled for his country and the character of her statesmen, when such scenes were permitted to occur. Did any man pretend to say that the facts he had stated, and every word he had put forth, was not dictated by sincerity of heart, and could not be proved by the records of the government? When he saw the manner in which the money drawn from the pockets of his constituents was expended, he felt it to be his duty to speak out, and expose it to the indignation of the world.

"Mr. Levy obtained the floor, but yielded it to

"Mr. Black, who said he regretted very much that the slang and obloquy that fell on his ears from the member from Ohio, not long ago, should so far have operated on him as to have put his feelings beyond his own control. He would only now say, that whenever a *gentleman* should think proper to use such language in reference to him, he should be found to conduct himself in a manner that would redound to his own credit, and meet the approbation of his constituents. Those who heard him could understand him, and those who did not appreciate his motives could try him."

Let us take some further examples. Many of our readers are aware that much excitement prevailed lately in the City of Washington, in consequence of an attempt made to convey out of the district, in the schooner "Pearl," some seventy slaves, men, women, and children. The subject became matter of discussion in both houses. On the 20th of April, the following debate is reported in the Congressional Globe:

"Mr. Venable obtained the floor. It was with extreme and deep reluctance, he said, that he felt himself compelled to approach the discussion of the question which had been thrown before them to-day. He had taken his seat, at the opening of this session, cherishing the fondest hopes that the mere party questions and policies which divided us as Whigs and Democrats would be the subjects which would come before them; that they might meet, quietly meet, on the same platform, as citizens of the country they all dearly loved, and protected by the ægis of the Constitution they all venerated. He had come here with these fond hopes, but he had been here but a few days before he felt that those hopes were to be blighted; he saw, amid the forbearance of the South, that spirit of fanaticism which would walk with lighted torch in a magazine; he saw that fanaticism which would authorize men to right what they considered a wrong, without ever thinking of the wrong they would inflict; that spirit of fanaticism which would never stop short of heaven or hell; which knew no middle ground, and which, when once fastened on a man's heart, led him to trample on all that was sacred and holy. He saw that hope blighted; that no subject could be introduced into this House

—even a resolution of congratulation of a people throwing off the yoke of a tyrant, and establishing freedom for themselves—without having this firebrand thrown into this House. He saw the South persecuted, taunted, harassed, held up to odium to the world—continually held up—until he had received from his own district and section of country urgent appeals. Were they to be made odious —were their institutions continually to be dragged before the public by the fanatic and hypocrite, to taunt and sneer at, and were their dearest rights to be abandoned by those who represented them? Was there no man from the South who would stand up and say to them what should be said? Yes; in his humble way, he would vindicate the rights and maintain the cause of those who had sent him here; and he would never fail to rebuke fanaticism and denounce hypocrisy in the man, and in those who acted with him, who said he wanted to keep the knife of the slave near his master's throat; and that when the slave fled to Ohio and there slew his master in attempting to reclaim him, he would call him a clever fellow; and that there was no law there to punish him. It was a libel upon the institutions of that state. He had examined the laws of Ohio, and he found that if a man did a lawful act, and another killed him when engaged in it, they called him a murderer. The Constitution of the United States provided for the reclaiming of fugitive slaves, and the Supreme Court of the United States had decided that that clause of the Constitution so far executed itself as that the master or his agent had the right to pursue his slave and retake him. If, then, the slave killed him, he killed him doing a lawful act.

"When he heard such declarations made on this floor by the gentleman from Ohio (Mr. Giddings); when their slaves were invited to run away, and were told, if you kill your master in attempting to retake you, you are clever fellows; when the gentleman from Massachusetts (Mr. Palfrey) declared that there were thousands of slaves in New Bedford who had paid for themselves by their heels; and when, in the face of these declarations, a ship from a Northern state came to this district and took off a ship-load of slaves, to pay for themselves by their heels also, it was time to meet this matter as became a representative from the South. He loved the Union. It had cost him and his much. There was not a battle-field, from Saratoga to Camden, but had drank the life-blood of some of his family and relatives; but, love it as he did, he hailed dissolution with pleasure and joy, if they were continually to be taunted by fanatics and hypocrites—if their wives and little ones were to be assassinated and destroyed by intermeddling men with hearts black as hell. This was the feeling of his heart. He could say nothing less. The South asked no favors; and if gentlemen supposed that because they had said nothing until driven to it by their unhallowed machinations and intrigues, that they were afraid to investigate the question, they had mistaken the South altogether.

"He felt, and he would here express, most profound obligations to his Northern and Western Democratic friends, who had stood by them in defense of the rights of the South to the number of twenty-five or thirty, in a vote which had recently been taken; while, on the other side, not a Northern or Western man had stood by Southern rights. He classified the Abolitionists of the North in two divisions: one, a set of fanatics, who, though possessing no genuine social feelings, were honest men; and the other, men who made use of them to secure seats in Congress, and power and elevation for themselves, who stirred up the strife—vile hypocrites, who went around to the factories and Sunday-schools, getting children and women to sign petitions on matters with which they had no concern, to bring them to Congress. Such miserable subterfuges, such vile and wicked resorts, disgraced humanity.

"He denied that slavery was either a moral, social, or political evil. They had

nothing to do with it. It was a matter which belonged to the South. He asked gentlemen if the agonizing, heart-rending cry of the slave in the middle passage, kidnapped from Africa, had ever arisen from ships from North Carolina? No; Massachusetts and Rhode Island could tell us about it. It had rung from their vessels, and that inhuman traffic had been a source of their wealth; almost every thing in the town of Newport, Rhode Island, had been made out of it; and Rhode Island had been represented in the other end of the Capitol by one of these slave-dealers, for it had so been charged upon that floor. The North had brought this institution upon them. The descendants of those who landed at Plymouth, and of Roger Williams, had sold them their slaves and pocketed the money. And now they were enlisted in a crusade against their property; and they had recently undertaken to kidnap and decoy away seventy-five in one vessel from this district; and gentlemen came here, and with long faces complained that the people of this city had risen to defend their rights! Mr. Venable had heard of a member of Congress who had gone yesterday to the jail for the purpose of giving counsel to these felons, who were caught *flagrante delicto!* He had heard that a member of this House had volunteered his services, had gone to the jail for the purpose of throwing the weight of his character, and influence, and talents in defense of men who had plundered the owners in the district of their slaves, and were caught with the negroes in their possession.

"Mr. Giddings asked to be permitted to explain, and, the floor being yielded, said, if the gentleman alluded to him, he would say unhesitatingly, it was due to the gentleman from North Carolina that he should say to him, and the House, and the country, most distinctly, that he did visit the prison yesterday. He did so in the character of a man, as well as a member of this House; he said to the keeper of the prison, who, so far as he knew, behaved entirely gentlemanly, that he came there to say to those men who were incarcerated under this charge that they should have counsel provided for them. The keeper of the prison heard every word he uttered: that he had brought with him a gentleman who would serve as their counsel; that he did it for the purpose of protecting their legal rights, so that upon their trial they might have the laws of the land dealt out to them as they were to other people; that he was persuaded no illegal violence would be used. For that purpose, and from his own promptings of humanity, he had visited them to give them this information. Now, let gentlemen say what they pleased.

"Mr. Gayle. 'Was the gentleman's object to reward these men and approve their course? Or was it mere benevolence to defend men who could not defend themselves?'

"Mr. Giddings was glad the gentleman from Alabama had put to him that question. He had gone there to say to those men that no mob violence should take their lives; that his influence, and the aid of counsel, and the law, should save them from a barbarous mob. He had gone there from the promptings of humanity; he had never seen or heard of them, or known any thing of them before.

"Mr. Gayle. 'Did not the gentleman go there for the purpose of encouraging these people?'

"Mr. Johnson, of Arkansas, rose simultaneously with Mr. Gayle, and desired to ask the gentleman from Ohio one question.

"Mr. Giddings expressed a willingness to answer questions which might be propounded.

"Mr. Venable, however, resumed the floor, as his time was so rapidly running away. He would ask the gentleman from Ohio why it was so necessary to go to these men in jail, and assure them they should be safe from the mob? Did not

every man know that they were in no danger when safely lodged there? It was a work of supererogation. The gentleman was careful to visit those who had been caught in stealing and carrying away slaves: had he gone to see the poor burglar, the felon who was confined in jail for other crimes? No! The sympathies of his heart were drawn out to nothing there but these seventy-five negroes, and the men who had stolen them.

"Mr. Giddings. 'Does the gentleman want me to answer that question?'

"Mr. Venable declined to give way, and, after further remarks, moved an amendment to the resolution to make the committee consist of nine members instead of five, and that they be elected by ballot instead of being appointed by the speaker.

"Mr. Haskell (the floor being yielded) desired to ask the gentleman from Ohio two questions, and that the gentleman would give him, as far as he should find it convenient, a categorical answer: the first was, whether he justified those slaves who had lately made an attempt to escape from their owners in the District of Columbia in that attempt?

"Mr. Giddings (addressing the speaker). 'Have I the floor to reply?'

"The Speaker. 'Does the gentleman from North Carolina yield the floor to the gentleman from Ohio?'

"Mr. Venable assented.

"Mr. Giddings said, to the question which had been put to him, whether he justified the slaves who had left their masters in the District of Columbia in pursuit of their liberty, he could have no hesitation in answering before an assembled universe. He held, as did our fathers in 1776, that all men were born equal, and that to protect their rights to life, liberty, and the pursuit of happiness, governments were framed among men. Now, believing that mankind, as they came from God, were equal, he had ever been taught by his fathers—and here he would say to the gentleman from North Carloina (Mr. Venable) that he (Mr. Giddings) boasted not that his fathers fought for liberty. Why did not the gentleman himself fight for it? Before he assailed him (Mr. Giddings), let him put himself *rectus in curia*—

"Mr. Houston, of Delaware, rose to a point of order.

"Mr. Giddings begged not to be interrupted until he had finished the answer to the gentleman's question.

"The Speaker. 'The gentleman from Ohio will give way; the gentleman from Delaware rises to a point of order.'

"Mr. Houston stated his point to be, whether, upon a preamble and resolution stating that a member of this House had been menaced by persons out of this House for his participation, or alleged participation, in certain civil and criminal transactions, it was competent for his friend from Tennessee to put the question to the gentleman from Ohio whether he justified this act?

"Mr. Giddings. 'I take no exception to the question.'

"The speaker replied to Mr. Houston that the gentleman from Ohio was not obliged to answer any question, but that, in the wide range allowed to the debate, it was certainly competent for the gentleman from Tennessee to put the question, and for the gentleman from Ohio to answer it, if he pleased.

"Mr. Giddings (resuming) remarked, that he saw gentlemen from the South were excited on the subject, and he might become excited. But it was a beautiful question, and, if the dough-faces would only not interfere, they would have a fine fight.

"He was stating his views (he continued) on the rights of humanity, and he said to the gentleman from Tennessee that he held precisely with the fathers of 1776, to whom he had alluded. He held to the principle for which the gentleman's fathers and his contended at Bunker Hill and Yorktown; he held to the

principle on which this government was based for its support, that man was free and equal, and that he who attempted to interfere between his God and himself, to interfere with his God-given rights, did it at his peril. He held that he who stepped between him and his God, and attempted either to rob him of his life or liberty, did it at his peril; and, so far as God and nature had bestowed on him the power, he should not do it. He held that every human being who came into the world and breathed the air God had created, came into it with this right, and he who attempted to interfere with it did so at his peril. He held that there never was a more just and righteous retribution than was inflicted upon the Africans in 1804, when Decatur and Somers went there, and when these men who enslaved their fellow-men were themselves made to bite the dust. There never was a more glorious cause to fight for, nor would he ask for a more glorious death than to die in just such a cause. He held that it was right; and he held that any man, when he enslaved his fellow-man—when the hand of power was brought to bear on his God-given rights—his 'inalienable rights' (to use the words of our fathers), had the right to defend that liberty, and, to come down to the gentleman's specific question—

"Mr. Haskell. 'I am very glad to hear you reach it.'

"Mr. Giddings (continuing his sentence). 'I say that the slaves of this district, when they felt the hand of oppression bearing on them, possessed, before the universal world and before God himself, the right to free themselves by any means God has put into the power—'

"Mr. Haskell. 'The gentleman has answered that question. I am satisfied.'

"Mr. Giddings (retaining the floor). 'I am not. I want to finish my answer.'

"Mr. Haskell. 'Inasmuch as the gentleman has justified this attempt of these slaves to escape from their rightful owners, I call on him to know whether he justifies the thieves who stole them?'

"Mr. Giddings. 'I do not know that there were any thieves.'

"Mr. Haskell. 'The men, then—the individuals—the parties who were engaged in this kidnapping?'

"Mr. Giddings. 'I say, unhesitatingly, where laws are in force, where legal constitutional laws of the land enforce penalties on such actions, they are to be obeyed. I am not permitted to interfere with the rights of the people of this district, because I owe allegiance to my government, and he who interferes does it at his peril. There can be no difference between the gentleman and myself on that subject.'

"Mr. Haskell. 'Then do I understand the gentleman to justify these men?'

"Mr. Giddings. 'I say that those who did it, did it at their peril.'

"Mr. Haskell. 'Does the gentleman condemn these individuals?'

"Mr. Giddings. 'I say, unquestionably, if they did it, they violated the law.'

"Mr. Haskell. 'Does the gentleman consider it a violation of law?'

"Mr Giddings. 'Unquestionably, if they aided slaves in escaping. I am not very conversant with the laws of this district, though I have had occasion to look into them some: I understand it is a penal act in this district. Now it is wrong to violate this law, because, in entering society, we bind ourselves to keep the laws which are constitutionally enacted. There is a legal crime—'

"Mr. Haskell. 'Was there any moral crime?'

"Mr. Giddings. 'I do not believe there is the least moral crime on earth in maintaining the rights God has given me.'

"Mr. Venable interfered, and claimed the floor.

"The speaker stated that the gentleman from North Carolina was entitled to the floor.

"Mr. Giddings declined to yield, as the floor had been given to him for explanation, until he had concluded.

"The speaker reminded the gentleman from Ohio that the floor was only given him by consent of the gentleman from North Carolina, who now claimed his right to it.

"Mr. Giddings yielded.

"Mr. Venable resumed, sending to the clerk's table the following amendment, which he had before indicated, but embracing now, as a modification, the amendment suggested by the gentleman from Tennessee (Mr. Haskell), which was read, as follows:

"'Strike out the word "five," in the resolution, and insert "nine;" and insert after the word "appointed," the words "by ballot;" also, insert after the words "referred to," the following, viz.: "and that said committee be instructed to inquire into, and report to this House, whether any member or members of this House were instrumental in procuring the slaves who were recently decoyed from their owners in this district to leave their owners; and whether the said members of this House have not been guilty of felony in attempting, or aiding in an attempt, to kidnap slaves."'"

And again, on the 21st of April, Mr. Bayly said,

"There were some remarks which fell from the member from Ohio (Mr. Giddings) on a preceding day, to which his attention had been called by a gentleman near him, of a most murderous and incendiary character, proving that he looked to emancipation by force. In arguing against the extension of slave territory, he said he wished to keep the negroes with their masters, holding their knives as near their throats as possible. To such remarks he (Mr. Bayly) did not mean to reply. He addressed himself to the sober, serious reason of the North, and he wished not to excite their passions. He wished to show them that this abolition excitement had an origin hostile to them as well as the South, and that nothing but mischief—unqualified mischief to the whole country, would result from it.

"Mr. Giddings rose and inquired if the gentleman from Virginia alluded to him when he said the gentleman from Ohio wished to keep the negroes and their masters together, that the negroes might have their knives as near their master's throats as possible.

"Mr. Bayly replied that he did allude to the member from Ohio, for such he understood to be the character of that member's remarks.

"Mr. Giddings replied that the gentleman had entirely misunderstood him.

"Mr. Bayly said other gentlemen understood him as he did.

"Mr. Giddings said he cared not who made the assertion; he had used no such language. He well knew what he had said.

"Mr. Bayly said a gentleman sitting near him understood the language as he did; but, whether the member from Ohio used those precise expressions or not, of this he (Mr. Bayly) was certain, and he would stake his assertion on the decision of the House, that he had over and over again used expressions of similar import.

"Mr. Giddings. 'Of what import?'

"Mr. Bayly. 'The member from Ohio had used language in his speeches, the inevitable tendency of which was, if it were not his design, to lead to insurrection.'

"The speaker called the gentleman to order.

"Mr. Giddings. 'I wish the gentleman might be permitted to proceed. I like to hear him.'

"Mr. Bayly had no doubt of it. The member is fond of the notoriety which the denunciations of him here give him. He hopes to recommend himself to his constituents by assuming to be the special object of attack by Southern representatives, and thereby strengthen the tenure by which he holds his seat here, with its eight dollars a day; and hence he is eternally trying to provoke us into denunciation of his detestable course and sentiments.

"Mr. Giddings. 'The gentleman is mistaken.'

"Mr. Bayly. 'He was one of those men who was willing to obtain profits by provoking abuse of themselves; to make a traffic of his character and feelings.'

"The speaker again interposed, and called the gentleman to order.

"Mr. Bayly said, if he were out of order, it was the remarks of the member from Ohio which had provoked him to it. For personal abuse he had no taste, but he chose to speak in appropriate terms of the course of a member here, which so intimately affected the dearest interests of himself and his constituents. He represented a frontier district, penetrated in every part of it by rivers and harbors, into which the vessels from the non-slaveholding states and the piratical schooners of the Abolition Society could come. His constituents' interests were, therefore, at stake, and he should ever be ready to expose and resist the unhallowed designs of men trying to destroy them; and, in speaking of the character of the men themselves, he should not stop to measure his words. He regretted the necessity of making any reference to the member whatever; and, unless under the strongest necessity of doing it, he should not hereafter, as he had not heretofore."

The following is the reply of Mr. Giddings to remarks reflecting upon himself in connection with the same affair. We take the current report, which is understood to be generally correct, though not so full as the revised speech which will hereafter appear on the record:

"Mr. Giddings, having obtained the floor, said that, whatever remarks he might make on this occasion, it was no part of his intention to reply to what had been said by the gentleman who had just taken his seat. Before he commenced any regular series of remarks, he wished to take occasion to say further, that he had supposed that, after a ten years' service in this hall—after so many times expressing the sentiments which he had so long held, and which he thought were so well understood by the members of this House, he could not have been made to believe that gentlemen, either from the North or South, could have so misapprehended his sentiments until he had heard such impressions avowed by them. He wished the attention of the House and the country while he declared that no man in this hall or elsewhere could lay his hand upon a remark, resolution, or speech of his, in which he had ever claimed the privilege of interfering with slavery in the states of this Union. For two days something like a dozen gentlemen from the South had imputed to him intentions to interfere with their institutions. Now, if any gentleman in this hall could lay his hand upon a resolution, speech, declaration, or effort of his to interfere with the institution of slavery in the states, let him stand up in this House, in the presence of the nation, and avow it. He would yield to the gentleman. [He here paused for a moment, and, no gentleman rising, he proceeded.] Was there any one here (he asked) who would take upon himself the responsibility of declaring that such an intimation had ever fallen from his (Mr. Giddings's) lips? If none, where were the gentlemen who for days had been imputing to him such motives? Where did they stand before the people of this country? It was a duty which he owed to himself, to the people whom he represented, again to disavow all such feelings, intentions, purposes, motives, or designs. He was once expelled from this hall, or, rather, censured here for declaring this very identical doctrine, that Congress had not the power to interfere with that institution. He now took occasion to say that the people of the slave states of this Union held that institution supreme, uncontrolled under the Constitution of the United States, beyond the power of this government to interfere with it for any purpose or to any extent, with one exception, and that was their power of legislation in regard to fugitive slaves. The people of the

free states had the indisputable right to remain free from its contamination, unstained with its guilt, exempt entirely from its support, and disconnected with all its turpitude. He said that they had no claim on the people of the free states to extend that institution or to associate with new slaveholding states; that they had no right to ask the free people of the North to associate themselves with slaveholders in Mexico, who, owning one hundred slaves, would wield an influence on this floor equal to sixty freemen; therefore it was one of his cardinal principles, and one of those whom he represented, not to associate with any new slaveholding states or slaveholding territory. These were their sentiments: Keep your slavery where it is, and manage it according to your own judgment and discretion. With it we never had constitutionally, and never will have, any thing to do.

"Mr. Meade (the floor being yielded) desired to ask the gentleman what was his object in so frequently introducing the subject into this hall, if it were not to operate on Southern institutions.

"Mr. Giddings said he had invited gentlemen, if they had ever heard a word from him affirming the power of Congress to interfere with the institution of slavery in the States, to say so. Did the gentleman from Virginia pretend ever to have heard from his lips such a proposition? No; no gentleman had ever heard it; no gentleman could be found to rise and declare that he had.

"Mr. Meade (in his seat) called upon the gentleman to answer his question.

"Mr. Giddings replied, he would do it; but he did not like to have the gentleman consume his time by putting questions wholly irrelevant to the subjects he was discussing.

"The gentleman asked him what were his motives in discussing this subject. To wash his hands, and those of the people of the North, from the stain of supporting this institution in this district. Did the gentleman suppose that, because he would not interfere with the slavery of the South, he was to stand here with his lips hermetically sealed from expressing his sentiments upon the outrages and wrongs perpetrated in upholding this institution in this district? No; he would unseal them; he would give expression to his deep abhorrence. Would gentlemen say that he was not to speak upon slavery here because they had slaves at the South? Take care of your own slaves (said he); we will look to those under our protection.

"He was remarking that he stood here as a legislator under the Constitution. His duties were plain—so plain, that the wayfaring man, though a fool, could not mistake them. They were to let the slavery of the Southern States alone. It had ever been the duty of the national Legislature to let it be; and when they established it in this district, they violated their duty to God and to their fellow-men; they had violated the duties which they owed to themselves, their constituents, and the human race. Now repeal those laws which involved them in the turpitude of maintaining this institution, and then they would have done with it; and he, for one, would never mention it here or elsewhere as a member of this body. This result they intended to bring about; and he took occasion to say to gentlemen, You shall not bring us to share with you in the guilt and turpitude of this traffic in human flesh now carried on here under our protection. It was the voice of the people of the free states that they would not remain thus contaminated with the guilt of that institution; and he said to gentlemen that they would have this; they would not vote for their presidents or any other officers who undertook to hold them partakers in that guilt and iniquity. *The separation of this government from all interference with slavery* was the motto which they had placed on their banner. It was *freedom;* the rights of man, uncontaminated with this foul blot on the American escutcheon.

"It was no part of his intention to reply to the assaults made upon him a few

days since, when this matter was under consideration. He had to do with more important matters than defending himself. These personal reflections were unbecoming the solemn occasion on which they were now discussing the rights of humanity. He had taken occasion for the hundredth time to define his position; and when gentlemen imputed to him sentiments which they knew he did not entertain, he told them to beware lest their misrepresentations should be exposed. Gentlemen of the South had introduced the discussion of this subject here. It was a question which was discussed in all our legislative bodies throughout the United States; which was discussed in our political conventions, by our newspaper press, and by our literary periodicals; in our school districts and township meetings; in prayers and the sacred pulpit; by the fireside and the wayside; and he said to gentlemen, it was too late in the day to attempt to suppress the discussion of this question. It would be discussed. Yet he must say he had not been desirous, nor in any way instrumental, in introducing this subject into discussion at this time. He deemed it inappropriate. The resolution of his friend from Massachusetts did not allude to the institution of slavery in any way, either directly or indirectly. This resolution proposed an investigation to ascertain a simple matter of fact. In its preamble it recited that reports had reached the ears of members of this body that a lawless mob had existed in this city for two nights previous to the introduction of the resolution, setting at defiance the constituted authorities and the laws of the United States; and the proposition was to inquire whether such was the fact. It also stated that certain members of this body had been menaced by this lawless mob, and it proposed an inquiry into this fact. As gentlemen had imputed to him (Mr. Giddings) that he was the individual menaced, it was proper for him to say that he had had no hand in introducing the resolution; the gentleman had done it on the motion of his own will, and not his (Mr. Giddings's). Gentlemen had represented him as not only introducing this resolution, but as insisting on the protection of this body. They had represented the gentleman from Massachusetts as asking the protection of this House. There was nothing in this resolution regarding protection. It only proposed to ascertain the fact whether members of Congress had been menaced by a lawless mob in the City of Washington. It was to let the people of the states throughout this Union know whether their representatives, sent here for the discharge of their public duties, while confining themselves to this district, had been menaced by lawless violence. Did any man suppose that he (Mr. Giddings) asked the protection of this body? If he ever had occasion under heaven to ask protection from any human being, it was *from* this body, not *of* it. If he had ever seen a lawless mob, it was on Tuesday last, at the jail and in this House. He had heard members here, while the galleries were filled, and while many composing the mob were said to be in them, declare themselves ready to justify the mob to the fullest extent. He had no disposition to look for protection to a body from which he had received as many indignities as he had from members of Congress. Was he, at this late day, to come here to ask for protection? No, it was no part of his object. No, said he, let the House protect its own honor—protect their own dignity, and he would take care of the protection of his person in his own way.

"He therefore said that this inquiry was plain and simple in itself. Its object was to carry information to the people of this Union; to inform them of the feeling that existed in this slaveholding community; to expose the spirit of violence and anarchy which was exhibited here against those who dared to speak the sentiments which they entertained in favor of liberty and the rights of humanity.

"He wanted his constituents, the people of his state and the free states, to understand what violence and lawless mobs arose from the slaveholding and slave-dealing influence in this district. This was what he wished them to understand.

He cared not whether the House passed this resolution or not. It was well known to the members of this House, that for forty-eight hours prior to the introduction of this resolution a lawless mob did control this city; that men, if report were true—and there was no reason to doubt it—in office, clerks in the employment of the United States, attended and led on that mob; that men in official stations were there, stimulating that mob to violence; that the mob consisted the first night of hundreds, and the next night of thousands; and during this time, here, where the arms, munitions, and the whole power of protection was committed to the executive officers of the government, not a movement was made to suppress it, so far as they were concerned. The object of this mob unquestionably was to prostrate one of the presses of this city. There was no doubt about that. And not only this, but who were those who led it on? Not the respectable citizens of the City of Washington; so far as he knew their deportment, they were to be excepted from any charge of participating in the disgrace. They were your slave-dealers from Baltimore, Alexandria, Richmond, and the surrounding country; it was the slave-dealers and slave-breeders; the men who raise mankind for market, whose living and support was by raising and selling their fellow-men. It was that class of characters who came into this city to threaten its government and community, disturb its peace, and overthrow the press to which he had alluded. These men, associating together in this way, were the leaders and exciters of this mob.

"Now another thing known to every man here, and one which had been referred to this morning, was, that the mob, when it assembled on the first night, did avow the intention of prostrating that press and that office, and with this publicly-avowed purpose adjourned until the next night, for the purpose of bringing in more of these despicable characters from abroad to enable them to effect their object. This was all known by report, and was proposed to be inquired into.

"So far as report charged that a member or members of this House had been menaced, was also to be inquired into. He cared nothing about it. He would state, as his name had been connected with it, that on Tuesday of last week, being a member of this body, and feeling some little interest in the way their laws over the district were to be carried into execution, he had visited one of the public institutions of our country, a prison in this city, erected by this government, and where, if his person was protected in this building, it was there, as much as it was in the Treasury Department, or any other of the departments at the seat of government. He had gone there under the consciousness of protection as much as if he had been in front of the speaker's desk, because it was a public building, erected by the funds of his own constituents as well as of the people of all the free states, together with those of the slave states. He had gone there for the purpose declared here on a former occasion. He had then said all he wished to on this point. There were your slave-dealers and slave-breeders gathered together in the entrance of the jail to menace and threaten him. Did he ask protection from this House? No; when he felt in danger, he would let them know it. But what he held in unutterable contempt was, that a member of this body, in visiting one of the public institutions erected by this government, should be threatened by a miserable mass of moral putridity, called slaveholders and slave-breeders. Had it come to this, that the members of this House could not go in and out of the public institutions in this district without meeting that class of men and being threatened by them?

"He knew not who these men were, but, from reports which he had received from various quarters, he understood they were that class of men. Now, the resolution of the gentleman from Massachusetts (Mr. Palfrey) proposed an inquiry into those facts.

"But again: Who was it that stimulated that mob? It was members in this hall. While their galleries were filled with slave-dealers—men who drove whole families to the market, and bartered men, women, and children for gold—honorable members stood up here in this House, and declared that they justified the mob to the fullest extent. And did he (Mr. Giddings) ask for protection from such men? Such a declaration had been made, and repeated, and reiterated here. This was not the place to which he should go for protection. Yes, members of this House of Representatives stood in their places and proclaimed, not only to this country, but to the whole civilized world, that in their capacity of legislators they stood by and sustained those wretches in their lawless violence. And it was with humility and deep abasement that he acknowledged that these declarations came principally from members of the political party to which he himself belonged. He also felt compelled to acknowledge that, while this was going on here, the President of the United States, to whose party he (Mr. Giddings) did not belong, was said to have been making efforts to put down the mob. It was due to the President that he should state this fact. The people should know it. No man there would accuse him of being a friend to the President; but he honored him, nevertheless, for his efforts to suppress these riotous proceedings, and for his exertions to stop those disgraceful outrages which were about to disgrace the whole Union. He took pleasure in vindicating the President for that act.

"When the pending resolution was brought forward, it was immediately seized upon by gentlemen from the South, and made the subject of an exciting discussion. It was gentlemen from the Southern States who did this, and it was those gentlemen who insisted upon going back into an inquiry respecting all the facts and circumstances which had given rise to the mob. And what were the facts? Why, that from seventy to eighty men, women, and children—persons who had as good a natural right to liberty as any gentleman here, who were entitled to the rights which their Creator had given them—feeling the galling chains of slavery chafing and festering in their flesh, themselves bowed down in bondage, and shut out from the social and intellectual enjoyments of life, sought the blessings of liberty; and it was said that they were assisted by three or four white men from the free states. But, in the attempt to escape from the custody of those who held them in bondage, they were arrested, and placed in a prison erected with the money of this nation; and this was done under the authority of the laws of this district, enacted by Congress, and sustained by members on this floor. In that prison they were kept two or three days; and on Friday last, this very man, Slatter, of Baltimore, who had headed the mob at the prison on Tuesday, purchased some forty or fifty of those fathers, brothers, and sons, mothers, daughters, and sisters, and marched them to the depôt, where their friends had collected to take their final leave ere they proceeded to the South, to drag out a miserable existence in the rice-fields and cotton plantations of that region. There a scene was presented which he thought not even a slaveholder could have looked upon without some sympathy for those victims of slaveholding cupidity. Sighs, and groans, and tears, and unutterable anguish characterized a transaction which would have disgraced the slave-market of Constantinople. It was a scene which could not have failed to excite every sympathy of our nature for suffering humanity. And by whose authority were they thus sold, and doomed to hopeless suffering at the hands of worse than Mohammedan masters? Here, if he could, he would make an appeal to this House; he would appeal even to the gentleman who had just addressed the House, and he would ask that gentleman if he could lay his hand on his heart, and in the presence of his God declare that he had dealt out to those people who were his fellow-men that justice which he had expected at the hands of his fellow-man? Had he shown them that mercy which he hoped to receive

from his God? He would ask that gentleman if he could thus conscientiously lend his voice and his official influence to the dealers in human flesh? Would he lend his vote to encourage these hucksterers in our common humanity? It was a humiliating reflection that our laws caused these men and women, and children and tender babes, to be thus sold and sent to the ceaseless toil and cruel tortures of our slave-consuming states, there to wear out a life of wretchedness and misery.

"If the gentleman who had just addressed the House could approve and sanction such cruelty, and torture, and barbarous murder, he (Mr. Giddings) could not do it. He would not do it; it was unbecoming a Christian nation; it was a disgrace to the age in which we live. What a spectacle did we present to the civilized world! Yesterday the members of this House gathered together with the citizens of this district to rejoice, and shout, and sing in honor of France for freeing herself from the bonds of oppression, and driving her king from her shores, thereby relieving herself from oppression, and giving liberty to her slaves. While we were thus before the world expressing our sympathy with France, we were here in this district maintaining a slave-market more shocking to the feelings of humanity than any to be found within the jurisdiction of the grand sultan.

"It had been urged by gentlemen on this floor that he, and others who acted with him, had engaged in this House in discussions of the subject of slavery within the states. With one exception, that accusation was not true. Some four years ago, he admitted, he had been induced to go into that subject by the remaks of a distinguished Southern gentleman, a member of the executive cabinet (Mr. Calhoun), who, in his official correspondence, had argued that slavery was a Christian and humane institution. On that, and on no other occasion, had he permitted himself to be drawn into a discussion of the effects of slavery in the states. He thought he would not again be dragged into it; but he would discuss the subject of slavery in the District of Columbia and in the territories of these United States at all times, when Southern men forced it upon him.

"He would now direct his attention to the remarks of some gentlemen who had preceded him, and would briefly notice some of the doctrines which had been advanced in the course of this discussion. The gentleman to whom he wished first to direct his attention not being in his seat, he would turn to the gentleman from Tennessee (Mr. Haskell), to an extract from whose speech he would call the attention of the House. That gentleman, in the course of his remarks on Wednesday last, was reported to have said,

"Now, a strange state of things was presented here. Members of this body, as he believed and felt ready to charge, had been engaged, by the course of conduct they pursued on this floor and out of this hall, in the deliberate attempt to scatter the seeds of insurrection and insubordination, if not rebellion, among the slaves in this district. Men on this floor, under the garb of philanthropy and love of human liberty, had been endeavoring to perpetrate felonies for which they ought to swing as high as Haman. He spoke the plain truth. He was willing to have his words measured, and he held himself responsible for the language he used. An attempt had been made on this floor to abolish slavery in the District of Columbia in the form of law, if they could, and in violation of the Constitution; and, baffled and foiled in that, these mock philanthropists were now, as he believed before God, attempting to abolish slavery in this district by inciting the negroes to leave their masters.

"The speaker here interposed, and reminded the gentleman that the question before the House was upon the appeal.

"Mr. Haskell (continuing) charged that the conduct of these men, their language on this floor and out of this House, had been such as to produce this state of things—a disposition to insurrection and rebellion among the slaves in this dis-

trict. He held in his hand a resolution which he intended to move, and which he should move, by way of amendment, when this House entertained the resolution of the gentleman from Massachusetts, having for its object an inquiry into the conduct of these members, and, if they were found guilty, their expulsion from this body, as unworthy to hold seats on this floor.

"Mr. Giddings said, before he proceeded to comment on this extract, he would correct an error into which a gentleman opposite (Mr. Stanton) had fallen. That gentleman said that he (Mr. Giddings) denied all connection with the transaction in reference to these slaves. The remarks which he had made were that he knew nor had heard nothing of the persons engaged in carrying these slaves away. He had not denied having enticed away the slaves himself. He had said nothing on that subject. When such a charge should come from a respectable source, he would consider the propriety of answering it. He did not feel called on at this time to admit or deny it.

"He would now return to the gentleman whose remarks had announced his intention to expel him (Mr. Giddings) from this House; and he would say to that gentleman that it was rather too late to attempt to seal his lips and the lips of Northern members to prevent the discussion of constitutional questions in this House. He gave notice to that gentleman and to all others, that, as he had the right to do it, he should say what he thought. He intended to call things by their right names, and, so far as able, would make himself understood by this House; and, when this hall again ceased to be a place of free discussion, his constituents would be represented by some other gentleman, or they would cease to be represented here. The slave power had once reigned triumphant here. Not so at this time: we had regained the freedom of debate, and it would never again be surrendered. Gentlemen, in making such threats, appeared to forget that they were not now on their plantations, exercising their petty tyranny over slaves, who, in their degradation, crouched and trembled at their master's bidding. Or did those gentlemen suppose that they could bring the practices of their plantations into these halls? Those gentlemen should know that this was not the place for that kind of demeanor. This was no place for the display of supercilious dictation. It belonged not to the dignity of legislation. The American Congress was no place for the manifestation of those traits which characterize the overseer of the South. It would not be tolerated among men who knew their rights, and possessed the spirit to maintain them. Such language ought never to be used among men who felt the dignity of their office. Was he to stand there and not to speak what he thought? Why, such an idea was unworthy of a deliberative body in this land of freedom, and was more becoming of the tyrannies of Europe or of Turkey. He would tell those gentlemen, when he ceased to have the right to speak freely in this House, he would take his departure from it. His constituents sent him here to represent them, to express their wishes, and he should do it freely, without restraint, or not at all, notwithstanding the spasmodic eloquence of the gentleman who wished to have him expelled for exercising the right to express his thoughts. Yes, the gentleman from Tennessee (Mr. Haskell) wished to have him expelled for words spoken on this floor! Did not that gentleman know that such an attempt had once before been made? And had he not seen the consequence? Was he now to be told that he must ask Southern gentlemen for permission to speak, and were they to be the judges of what he should say, and when he should say it? Never, so long as his fellow-men were held in bondage in this district, would he submit to any restraint on the freedom of debate; nor so long as he continued to hold a seat here would he relax an iota of truth to please the slave power. He would not disguise the truth, even if its utterance should be the means of striking off the shackles of every slave in the

Union. He had no fears of its affecting slave property here. He would not hesitate from this forum to tell the truth to all who heard him, even if slaves were listening to him. If he had the power, he would give to every slave a perfect knowledge of all his God-given rights. He would open their minds to understand the oppression that weighed down their intellects, and shut out knowledge and truth from their comprehension. He would give them a knowledge of the outrage upon humanity which holds them as chattels, and subjects them to sale like brutes in the market. He would inform them that they came into the world from the hands of the same Creator as those who lord it over them; that they were brethren, created by the same hand, endowed with the same rights, and candidates for the same immortality.

"Mr. Gayle asked the gentleman from Ohio if the utterance of these sentiments was not in the hearing of the slaves.

"Mr. Giddings said the gentleman from Alabama could answer that question as well as himself. But this he would say to that gentleman, that if the utterance of such truths would release them from bondage, God knows it should be done. Let gentlemen teach their bondmen to tremble, but let them not come here to threaten freemen. Gentlemen might hold their grasp on their fellow-men, and deprive them of the rights conferred by the God who created them, and make their lacerated flesh quiver with the lash, but they need not come here and tell him that he should only speak by their permission.

"Mr. Gayle inquired if the gentleman alluded to him when he spoke of the flesh being made to quiver by the lash. He never used the lash on his slaves, who would not, however, accompany him here, because they were afraid that the Abolitionists would skin them.

"Mr. Giddings replied that the gentleman's statement showed to what degree of degradation slavery can reduce the immortal mind. The gentleman from Alabama, it appeared, had succeeded to that extent, and he came here to boast of it. He had carried his oppression so far as to blot from the intellect of his fellow-man his natural and instinctive love of freedom. He had taught his slaves to hug their chains, to shudder at the thought of being free; and now stood up here, before the American people, and boasted of the success of his experiment. His whole statement was in keeping with the institution of slavery. It degraded the immortal mind, and reduced man to the level of brutes. He asked that gentleman if he taught his slaves to read the Word of God? or was it not an offense under their laws to teach slaves to read that sacred book? Was not such an offense punishable by incarceration in the penitentiary? They had only to go a few rods across that river (the Potomac), and they would expose themselves to the penalties of such a law if they should attempt to teach slaves to read the Scriptures. Yes, to instruct slaves in the way of salvation, by enabling them to read the Word of God, was deemed a crime in this Christian land—this land of Bibles and ministers, and sabbaths and of slaves.

"But to return to the proposition of the gentleman from Tennessee (Mr. Haskell), who had expressed himself so strongly in regard to his exercise of the freedom of speech. The gentleman thought that he (Mr. Giddings) should hang as high as Haman for thus daring to speak his sentiments. That he supposed to be slaveholding punishment for speaking truth. But he could spend no more time upon the gentleman's proposition. Another gentleman from North Carolina (Mr. Venable) had spoken to the same effect on this subject. That gentleman seemed to intimate that he (Mr. Giddings) had treated the institution of slavery with great want of respect in saying that if a slave defended himself on Ohio soil, even to killing his master, they would not hang him to please all the slaveholders in Christendom. That gentleman, if he was not misinformed, belonged to, and was a mem-

ber of, a church founded by that good man, John Wesley. He believed the gentleman from North Carolina was a Methodist, and yet the respected founder of that Church had denounced slavery as '*the sum of all villainies.*'

"Mr. Venable said the gentleman was mistaken; he was a *Presbyterian.*

"Mr. Giddings. The gentleman was a Presbyterian, and yet he held slavery to be a blessing! Would the gentleman from North Carolina sit down with his slave and brother in Christ at the sacramental board commemorative of the Lord's Supper and sacrificial death? Would he partake of the bread and wine in remembrance of the crucified Savior one day with his slave and brother, and on the next sell him who thus bears the image of God for paltry pelf, and still say he was a *Presbyterian?* He (Mr. Giddings) denied it; the gentleman could be no Presbyterian. No man could be a Presbyterian who sold God's image, and transformed the immortal mind into a state of degradation, and shut out the Scriptures of eternal life from his brother. It was impossible. He could scarcely realize that he lived in the nineteenth century, or in a Christian land. He could scarcely realize that he lived in an age when the principles of our holy religion were perverted for the purpose of degrading our fellow-man, and shutting out from him the hope of eternal life.

"Mr. Venable begged to say to the gentleman from Ohio, as he had alluded to the subject of religion, that he was no Methodist, though he highly respected that sect. He was a Presbyterian; but he should not enter with the gentleman from Ohio into a religious discussion. He wished not either to hear any thing of the gentleman's history, nor should he stay to dilate upon his own; but he would refer the gentleman to the Epistle of Paul to Philemon, from which that gentleman would learn that Paul did not tell servants to run away from their masters, but to return back to them. When the gentleman from Ohio could bring evidence to show that he was better, wiser, and holier than Paul, he would listen to his counsels, and not till then.

"Mr. Giddings said the gentleman from North Carolina was rather too much excited for a Presbyterian. But it was not enough that professors in this hall should pervert our holy religion to the purpose of justifying the crimes of slavery, but the Scriptures of Truth were to be prostituted to the maintenance of that institution. Had it come to this, that a member of this House and of a Christian church could here stand up and justify what such a man as John Wesley had called, not murder, nor theft, nor adultery, but '*the sin of all villainies*' compounded? The substance of all their crimes are brought into the significant expression of slaveholding. He trusted that neither the gentleman from Tennessee, who was disposed to hang him, nor the gentleman who had felt hurt at his former remarks, would take offense at what he was saying. If they did, he would inform them that they could probably find room in the Rotundo until he should close what he had to say.

"It had been said in the other end of the Capitol, by a gentleman of high distinction, that the average life of slaves on the sugar plantations was but five years, and on the cotton plantations only seven years. Thus whole generations are murdered in those regions every seven and five years. Gentlemen would remember that he spoke from high authority—upon slaveholding data. And these murders were attempted to be justified by Scripture; and because he had denounced the system and the practice, he was deserving to be, not only mobbed, but hanged, according to the opinion of gentlemen in this hall. Indeed, it was attempted to involve St. Paul in these crimes by saying that he justified slavery while writing under Divine inspiration. If such was the fact, he would abjure his religion and turn Turk.

"He would pass over much which he had intended to say on some other topics, as his time was nearly exhausted. If he should write out his remarks, he might

notice them. The gentleman from Virginia (Mr. Bayly) had complained of his (Mr. Giddings's) want of respect for the institution of slavery. That gentleman had, in his characteristic manner, assailed his (Mr. Giddings's) motives. Now, he would not stay to reply to that gentleman's censure, nor to his attempt to make them believe that slavery was a moral and justifiable institution. He would prefer to read a few passages from an author of that gentleman's own state. In Jefferson's Notes he found the following:

"'There must doubtless be an unhappy influence on the manners of our people produced by the existence of slavery among us. The whole commerce between master and slave is a perpetual exercise of the most boisterous passions, the most unremitting despotism on the one part, and degrading submission on the other. Our children see this, and learn to imitate it; for man is an imitative animal. This quality is the germ of all education in him. From his cradle to his grave he is learning to do what he sees others do. If a parent could find no motive either in his philanthropy or his self-love for restraining the intemperance of passion toward his slave, it should always be a sufficient one that his child is present. But generally it is not sufficient. The parent storms, the child looks on, catches the lineaments of wrath, puts on the same airs in the circle of smaller slaves, gives a loose to the worst of passions, and, thus nursed, educated, and daily exercised in tyranny, can not but be stamped by it with odious peculiarities. The man must be a prodigy who can retain his manners and morals undepraved by such circumstances.'

"This was from the apostle of Democracy, a native of the Old Dominion, whose emphatic assertion was, that 'that man must be a prodigy who can retain his manners and morals undepraved' by slavery. He would commend these words to the consideration of the gentleman from Virginia (Mr. Bayly). He would appeal to those present, when that gentleman delivered his speech on Friday last, if this description of the gentleman's manner was not true to the life? Were not his empty vaporings, his unbounded vanity, a perfect fulfillment of this prophecy?

"That member, in his official station, had attempted to argue the House into the belief that slavery was a blessing. He would refer again to Mr. Jefferson's opinion, as recorded by himself. That statesman, in his Notes on Virginia, says:

"'And with what execration should the statesman be loaded who, permitting one half the citizens thus to trample on the rights of the other, transforms those into despots and these into enemies, destroys the morals of the one part, and the *amor patriæ* of the other; for, if a slave can have a country in this world, it must be any other in preference to that in which he is born to live and labor for another; in which he must lock up the faculties of his nature, contribute, as far as depends on his individual endeavors, to the evanishment of the human race, or entail his own miserable condition on the endless generations proceeding from him. With the morals of the people, their industry is also destroyed; for in a warm climate no man will labor for himself who can make another labor for him.'

"This was the effect of slavery as portrayed in every portion of the slaveholding country. But as he had but a moment left, he would refer to that portion of the gentleman's speech in which he had declared that the Abolitionists looked to insurrection among the slaves. And, he would ask, who did not look to that result? Could any reflecting man shut his eyes to that inevitable consequence of slavery? Did not Mr. Jefferson look to such a finale of that system of oppression which now cripples the energies and impoverishes the people of the whole South? Mr. Jefferson, speaking in the most emphatic language, says:

"'And can the liberties of a nation be thought secure when we have removed their only firm basis, a conviction in the minds of the people that these liberties are the gift of God; that they are not to be violated but with his wrath? Indeed,

I tremble for my country when I reflect that God is just; that his justice can not sleep forever; that, considering numbers, nature, and natural means only, a revolution of the wheel of Fortune, an exchange of situation, is among possible events; that it may become probable by supernatural interference! The Almighty has no attribute which can take side with us in such a contest.'

"No," concluded Mr. Giddings, "the Almighty has no attribute that will permit him to take sides with oppression, outrage, and crime. When the day of retribution shall arrive, a holy and just God can take no part with slaveholders.

"Mr. Giddings was here cut off by the expiration of his hour, and the whole subject was then laid on the table, as heretofore stated."

We will add to these extracts the following debate, as given in the official reports, which took place in the Senate on the 20th of April, on the bill introduced by Mr. Hale, of New Hampshire, relating to riots and unlawful assemblages in the District of Columbia. The bill had its origin in the transactions connected with the schooner "Pearl."

"Mr. Foote. 'On the 4th of March, 1837, the American people of all parties assembled at this Capitol for the purpose of witnessing the inauguration of a President of the United States. That President was a Northern man. I had the honor of listening to his inaugural speech; and in it he wisely and patriotically asserted a principle, of which I approved at the time, which I still admire, and which has a close affinity to the question so suddenly presented to this body. Martin Van Buren dared to declare, in his inaugural speech, that though it was his opinion—and it certainly is not mine—that Congress has the power to abolish slavery in the District of Columbia, yet he conceived that the act could not be done without the most odious and unpardonable breach of faith toward the slave states of the Confederacy, and especially Maryland and Virginia. This declaration, not altogether unexpected, gave temporary quiet and satisfaction to the South. I had thought, until recently, that there were very few men in the Republic, claiming any thing like a prominent standing among their fellow-citizens, who entertained a different opinion from that thus expressed, or who, if entertaining it, would undertake to express it in the national councils of this Republic. But the abolition movement has not been quite so successful as some desired it to be; and now we see plain indications that individuals—for I can not conscientiously call them gentlemen—asserting themselves to be champions of freedom, have resolved to carry into execution a scheme—an attempt to remove, by any means whatever, all the slaves now within this district; so that those who have been in the habit of retaining slaves in their possession will be discouraged from bringing others here, and that citizens who may hereafter settle here will, of course, on the principle of obvious pecuniary policy, decline bringing such property with them; and that thus, in this covert and insidious manner, the abolition of slavery in the District of Columbia may be accomplished.

"'The attempt to legislate directly upon this subject in the national councils is at war with the Constitution, repugnant to all principles of good faith, and violative of all sentiments of patriotism. With whomsoever it originates, this movement, made directly or indirectly, within Congress or out of it, which has been so justly denounced by my colleague, is simply a nefarious attempt to commit grand larceny upon the owners of slaves in this district. I undertake to say that there is not a man, who has given his countenance to this transaction in any shape, who is not capable of committing grand larceny; or, if he happened to be a hero (as such men are not), of perpetrating highway robbery on any of the roads of

this Union. He is not a gentleman. He would not be countenanced by any respectable person any where. He is amenable to the law. I go further—and I dare say my sentiments will meet the approbation of many even who do not live in slave states—and I maintain, that when the arm of the law is too short to reach such a criminal, he may be justly punished by a sovereignty not known to the law. Such proceedings have taken place, and there are circumstances which not only instigate, but justify such acts. I am informed, upon evidence on which I rely, that this very movement out of which the bill originates has been instigated and sanctioned by persons in high station. It is even rumored, and it is believed by many—I am sorry, for the honor of this body, to say so—that a senator of the United States is concerned in the movement. Certain it is that a member of another body, meeting in a certain hall not far distant, was yesterday morning engaged in certain reprehensible contrivances, and that, but for his abject flight from the place of his infamous intrigues, he would have been justly punished—not by the mob, but by high-spirited citizens convened for the purpose of vindicating their rights thus unjustly assailed.

"'Why is it that this question is continually agitated in the Senate of the United States? that it is kept here as the subject of perpetual discussion? Is it simply that gentlemen wish to be popular at home? I suppose so. Is it because of their peculiar sympathies for that portion of the population which constitutes slavery as recognized at the South? What is the motive? Is the object to obtain popularity? Is it to gain high station? Is it to keep up a local excitement in some portions of the North, with the view of obtaining political elevation as the reward of such factious conduct? But I care not for the motives of such acts. I undertake to say, that in no country where the principles of honesty are respected, would such a movement as that now attempted be promoted, or even countenanced for a moment. I feel bound on this occasion to say, that the bill proposed could not have any good object. What does it declare? It declares that any attempt on the part of the people of this district, through the only means which they may have in their power, to protect their property, and prevent it from being taken from them, either by stealth or open robbery, shall subject them to be mulcted in heavy pecuniary damages! It amounts, then, to this: that if hereafter any occurrence similar to that which has recently disgraced the district should happen, and the good people of the district should assemble and proceed to the vessel in which their property had been placed, and the captain of which had become the agent in the nefarious transaction, and should then and there dare to use the only means to prevent that vessel from sailing, and their property from being taken away before their eyes, they would be compelled to pay heavy pecuniary damages. It is a bill, then, obviously intended to cover and protect negro stealing. It is a bill for the encouragement and immunity of robbery! That is its true character; and, whatever the gentleman's own self-sufficiency may induce him to entertain of his own conduct on this occasion, I only tell him now the judgment which every honest man will pronounce upon it. If the object of the senator was as I have described it, and as is apparent on the face of the bill, he is as guilty as if he had committed highway robbery. I regret that I am obliged to use harsh terms, but they are true. The senator from South Carolina asserted, with great truth, that the time had come when the South should not only let her voice be heard, but disclose to all her enemies that she not only knows her rights, but, "knowing, dare maintain them"—maintain them by all constitutional means—by all legal expedients—if necessary, by bloodshed. The senator from New Hampshire is evidently attempting to get up a sort of civil war in the country, and is evidently filled with the spirit of insurrection and incendiarism. He may bring about a result which will end in the spilling of human blood. I say to him,

however, let him come forward boldly, and take the proper responsibility. Let him say, "Now I am ready to do battle in behalf of the liberties of my friends the blacks, the slaves of the District of Columbia." Let him buckle on his armor —let him unsheath his sword, and at once commence the contest; and I have no doubt he will have a fair opportunity of shedding his blood in this holy cause on the sacred soil of the District of Columbia. If he is really in earnest, he is bound, as a conscientious man, to pursue this course, which can not be persevered in without all those awful scenes of bloodshed and desolation, long anticipated by good men in every part of this republic. When, I ask, was it that Southern men ever undertook to invade the quiet and happiness of the North? I hope I may be pardoned in making this suggestion. I do not wish to institute any invidious comparisons. I thank Heaven, I have an abiding confidence in the good sense, the virtuous patriotism, and regard for the rights of property, of my Northern brethren; and I believe that there are many of them, of both parties, who are perfectly sound upon this question, and who will condemn the act of this morning. The South has been forbearing. She has exercised more than complaisance—more than forbearance. But when, I ask, has any Southern man, occupying a seat in either house of Congress, attempted to interfere with any local interests in the North?

"'All must see that the course of the senator from New Hampshire is calculated to embroil the Confederacy, to put in peril our free institutions, to jeopard that Union which our forefathers established, and which every pure patriot throughout the country desires shall be perpetuated. Can any man be a patriot who pursues such a course? Is he an enlightened friend of freedom, or even a judicious friend of those with whom he affects to sympathize, who adopts such a course? Who does not know that such men are practically the worst enemies of the slaves? I do not beseech the gentleman to stop; but if he perseveres, he will awaken indignation every where; and it can not be that enlightened men, who conscientiously belong to the faction at the North, of which he is understood to be the head, can sanction or approve every thing that he may do, under the influence of excitement, in this body. I will close by saying, that if he really wishes glory, and to be regarded as the great liberator of the blacks—if he wishes to be particularly distinguished in this cause of emancipation, as it is called—let him, instead of remaining here in the Senate of the United States, or instead of secreting himself in some dark corner of New Hampshire, where he may possibly escape the just indignation of good men throughout this republic, let him visit the good State of Mississippi, in which I have the honor to reside, and no doubt he will be received with such hosannas and shouts of joy as have rarely marked the reception of any individual in this day and generation. I invite him there, and will tell him beforehand, in all honesty, that he could not go ten miles into the interior before he would grace one of the tallest trees of the forest, with a rope around his neck, with the approbation of every virtuous and patriotic citizen; and that, if necessary, I should myself assist in the operation.'

"Mr. Hale. 'I beg the indulgence of the Senate for a few moments. Though I did not exactly anticipate this discussion, yet I do not regret it. Before I proceed further, as the honorable senator from Mississippi has said that it has been asserted, and he thinks on good authority, that a senator of the United States connived at this kidnapping of slaves, I ask him if he refers to me?'

"Mr. Foote. 'I did.'

"Mr. Hale. 'I take occasion, then, to say, that the statement that I have given the slightest countenance to the procedure is entirely without the least foundation in truth. I have had nothing to do with the occurrence, directly or indirectly; and I demand of the honorable senator to state the ground upon which he has made his allegation.'

"Mr. Foote. 'It has been stated to me, and I certainly believed it; and, believing it, I denounced it. I did not make the charge directly. My remarks were hypothetical. I am glad to hear the senator say that he has had no connection with the movement; but whether he had or not, some of his brethren, in the great cause in which he was engaged, no doubt had much to do with it.'

"Mr. Hale. 'The sneer of the gentleman does not affect me. I recognize every member of the human family as a brother; and if it was done by human beings, it was done by my brethren. Once for all, I utterly deny, either by counsel, by silence, or by speech, or in any way or manner, having any knowledge, cognizance, or suspicion of what was done, or might be done, until I heard of this occurrence as other senators have heard of it; and I challenge any one who entertains a different opinion to the proof, here, now, and forever. I go further than that. I never have counseled, advised, or aided in any way, and, with my present impressions, I never shall counsel, advise, or aid in any way, any encroachment upon the Constitution, in any of its provisions or compromises. If the Constitution be not broad enough for the protection that I claim, I will go without it. I trust that on this subject I have been sufficiently understood. I deny, in general and particular, not only cognizance, but all knowledge of any such movements.

"'While I am up, let me call the attention of the Senate to the case of a man whom I am proud here and elsewhere to call my friend—the editor of the "National Era." This gentleman, in a card published in the "National Intelligencer" of this day, declares:

"[Mr. Hale here read a card, published in the National Intelligencer, from the editor of the National Era, which disclaims any knowledge or connection whatever with the circumstances in regard to the late abduction of the slaves.]

"Mr. Calhoun (in his seat). 'Does he make any denunciation of the robbery?'

"Mr. Hale. 'He had quite enough to do in defending himself; and it was no part of his duty to denounce others.'

"Mr. Calhoun (in his seat). 'I understand that.'

"Mr. Hale. 'I appeal to the sense of justice of the Senate, and ask what justification there can be for assailing the character and property of a man who knew no more of this occurrence than any of its members? I appeal to the honorable senator who spoke so eloquently of the high and chivalric ideas of right which are entertained in his section of the country—'

"Mr. Foote. 'I ask the senator—and beg to remind him that twenty millions of people are listening to his answer—in the circumstances of the case, evidently known to him, does he suppose that this occurrence could have taken place without extensive countenance and aid from men of standing in this district, whether members of Congress or others?'

"Mr. Hale. 'I have no doubt that those persons could not have got away without some aid. It is enough that I have disclaimed all knowledge of it. I thought that when the honorable senator was speaking, more than twenty millions of people were listening. He invites me to visit the State of Mississippi, and kindly informs me that he would be one of those who would act the assassin, and put an end to my career. He would aid in bringing me to public execution—no, death by a mob. Well, in return for his hospitable invitation, I can only express the desire that he would penetrate into some of the dark corners of New Hampshire; and if he do, I am much mistaken if he would not find that the people in that benighted region would be very happy to listen to his arguments, and engage in an intellectual conflict with him, in which the truth might be elicited. I think, however, that the announcement which the honorable senator has made upon this floor of the fate which awaits so humble an individual as myself in the State of Mississippi, must convince every one of the propriety of the high eulogium which

he pronounced upon her the other day, when he spoke of the high position which she occupied among the states of this Confederacy. But enough of this personal matter.

"'I think, if I did not misunderstand the honorable senator from South Carolina, that he is surprised at the temerity of the senator from New Hampshire in introducing this bill. Let me ask, What is this bill? What is this incendiary bill, that has elicited such a torrent of invective? Has it been manufactured by some "fanatical Abolitionist?" Why, it is copied, almost word for word, from a law on the statute-book, which has been in operation for years in the neighboring state of Maryland. It has no allusion, directly or indirectly, to the subject of slavery. Yet I am accused of throwing it in as a firebrand, and in order to make war upon the institutions of the South! How? In God's name, is it come to this, that in the American Senate, and in the year of grace one thousand eight hundred and forty-eight, the rights of property can not be named but the advocates of slavery are in arms, and exclaim that war is made upon their institutions, because it is attempted to cast the protection of the law around the property of an American citizen who appeals to an American Senate! It has long been held by you that your peculiar institution is incompatible with the right of speech; but if it be also incompatible with the safeguards of the Constitution being thrown around property of American citizens, let the country know it! If that is to be the principle of your action, let it be proclaimed throughout the length and breadth of the land, that there is an institution so omnipotent, so almighty, that even the sacred rights of life and property must bow down before it!

"'Do not let it be said that I have introduced this subject. I have simply asked that the plainest provisions of the common law, the clearest dictates of justice, shall be extended and exercised for the protection of the property of citizens of this district; and yet the honorable senator from South Carolina is shocked at my temerity!'

"Mr. Butler. 'Allow me to ask one question with perfect good temper. The senator is discussing the subject with some feeling; but I ask him whether he would vote for a bill, properly drawn, inflicting punishment on persons inveigling slaves from the District of Columbia?'

"Mr. Hale. 'Certainly not; and why? Because I do not believe that slavery should exist here.'

"Mr. Calhoun (in his seat). 'He wishes to arm the robbers, and disarm the people of the district.'

"Mr. Hale. 'The honorable senator is alarmed at my temerity—'

"Mr. Calhoun (in his seat). 'I did not use the word, but did not think it worth while to correct the senator.'

"Mr. Hale. 'The senator did not use that term?'

"Mr. Calhoun. 'No. I said brazen, or something like that.'

"Mr. Hale. 'The meaning was the same. It was brazen, then, that I should introduce a bill for the protection of property in this district—a bill perfectly harmless, but which he has construed into an attack upon the institutions of the South. I ask the senator and the country wherein consists the temerity? I suppose it consists in the section of the country from which it comes. He says that we seem to think that the South has lost all feeling. Ah! there is the temerity. The bill comes from the wrong side of a certain parallel! Why, did the honorable senator from South Carolina imagine that we of the North, with our faces bowed down to the earth, and with our backs to the sun, had received the lash so long that we dared not look up? Did he suppose that we dared not ask that the protection of the law should be thrown around property in the district to which we come to legislate?

"'I desire no war upon the institution of slavery, in the sense in which the senator understands the term. I will never be a party to any encroachments upon rights guarantied by the Constitution and the law—not at all. I wish no war but a war of reason—of persuasion—of argument; a war that should look to convincing the understanding, subduing the affections, and moving the sympathies of the heart. That is the only war in which I would engage. But it is said that the time has come—that the crisis has come, and that the South must meet it. In all candor and honesty, then, let me say, that there could not be a better platform on which to meet the question than that presented by the principles of this bill. There could not be a better occasion than this to appeal to the country. Let the tocsin sound. Let the word go forth. Let the free North be told that their craven representatives on the floor of the Senate are not at liberty even to claim the protection of the rights of property! The right of speech was sacrificed long ago. But now is it to be proclaimed that we can not even introduce a bill looking to the execution of the plainest provisions of the Constitution, and the clearest principles of justice for the protection of personal rights, because gentlemen choose to construe it into an attack upon that particular institution!

"'I ask again, what is it that has produced this strife, called up these denunciations, excited all this invective which has been poured upon me, as if I were guilty of all the crimes in the Decalogue? I call upon the Senate and the country to take notice of it. I ask, On what do gentlemen of the South rely for the protection of any institutions on which they place any value? It will be answered, Upon the Constitution and the law. Well, then, if the safeguards of the Constitution are rendered inadequate to the protection of one species of property, how can it be supposed that there will be protection for any? It is because I desire to maintain, in all their strength and utility, the safeguards of the Constitution, that I have introduced this bill for the protection of property in this district. And here let me tell the senator from Alabama, that he will have my full co-operation in any measure to prevent kidnapping. I shall expect him to redeem his pledge. Again: I am shocked to hear the honorable senator from South Carolina denounce this bill as a measure calculated to repress those citizens from the expression of their just indignation.'

"Mr. Calhoun. 'If the senator will allow me, I will explain. I said no such thing. But I will take this occasion to say, that I would just as soon argue with a maniac from Bedlam, as with the senator from New Hampshire, on this subject.'

"[Several senators. 'Order—order.']

"Mr. Calhoun. 'I do not intend to correct his statements. A man who says that the people of this district have no right in their slaves, and that it is no robbery to take their property from them, is not entitled to be regarded as in possession of his reason.'

"Mr. Hale. 'It is an extremely novel mode of terminating a controversy by charitably throwing the mantle of maniacal irresponsibility over one's antagonist! But the honorable senator puts words into my mouth which I never used. I did not say that the owners had no property in their slaves. I said that the institution exists; but I have not given any opinion upon the point to which the senator has alluded. I have never said any thing from which the sentiment which he imputes to me could be inferred. It does not become me, I know, to measure arms with the honorable senator from South Carolina, more particularly since he has been so magnanimous as to give notice that he will not condescend to argue with me. But there is more than one man in this country who has, whether justly or unjustly, long since arrived at the conclusion, that if I am a maniac on the subject of slavery, I am not a monomaniac, for I am not alone in my madness. But, sir, I am not responsible, here or elsewhere, for the excitement that has followed the

introduction of this subject. I intended simply to give notice of a bill calculated to meet the exigency. The honorable senator from Florida calls upon me for proof of the necessity for this legislation, and says that no violence has been committed in this district. I don't know what he calls violence.'

"Mr. Westcott. 'There has been no violence, except the running away with some negroes.'

"Mr. Hale. 'Well, I believe that some hundreds of individuals assembled in front of a printing-office in this city, and assailed the building with missiles, obliging the persons engaged in their usual employment to abandon their legal occupation. If that does not come up to the gentleman's definition of violence, I do not know what does. I was desirous of introducing this subject without an appeal to any matters which might be supposed to lie behind. I believe that these matters have nothing to do with the subject under consideration. But other gentlemen have chosen to give this subject a different direction. Now, in the bill which I have had the honor to introduce, the provisions are almost identical with the law which has been in existence in many of the states, and is now on the statute-book of Maryland. To its enactment here, exception has been taken; and I am quite willing that the country should know the grounds on which opposition is made. If the subject be painful, it has not been made so by me. As to the threats which have been made of bloodshed and assassination, I can only say that there have been sacrifices already, and there may be other victims, until the minds of all shall be awakened to the conviction that the Constitution was made as well for the preservation of the freedom of discussion as for the protection of the slave-owner.'

"Mr. Westcott. 'I should like to know of the senator from New Hampshire if he can say that any non-slaveholding state in this Union has passed a law by which, in case of the abduction of a slave by an abolition mob, the county or town is to be made responsible for the act?'

"Mr. Hale. 'I do not know, sir.'

"Mr. Westcott. 'It is time enough, then, when such a law is passed to protect the property of slave-owners, to talk of a law to indemnify for the destruction of property of abolition incendiaries.'

"Mr. Foote. 'The senator seems to suppose that I wished to decoy him to the State of Mississippi. I have attempted no such thing. I have thought of no such thing. I have openly challenged him to present himself there, or any where, uttering such language and breathing such an incendiary spirit as he has manifested in this body, and I have said that just punishment would be inflicted upon him for his enormous criminality. I have said further, that, if necessary, I would aid in the infliction of the punishment. My opinion is, that enlightened men would sanction that punishment.

"'But, says the senator, that would be assassination! I think not. I am sure that the senator is an enemy to the Constitution of his country—an enemy of one of the institutions of his country, which is solemnly guarantied by the organic law of the land; and in so far, he is a lawless person. I am sure, if he would go to the State of Mississippi, or any other slave state of this Confederacy, and utter such language, he would justly be regarded as an incendiary in heart and in fact, and, as such, guilty of the attempt to involve the South in bloodshed, violence, and desolation; and if the arm of the law happened to be too short, or the spirit of the law to be slumberous, I have declared that the duty of the people, whose rights were thus put in danger, would be to inflict summary punishment upon the offender. But, says the senator, victims have been made, and there are other victims ready. I am sure that he could not persuade me that he would ever be a victim. I have never deplored the death of such victims, and I never shall de-

plore it. Such officious intermeddling deserved its fate. I believe no good man, who is not a maniac, as the senator from New Hampshire is apprehended to be, can have any sympathy for those who lawlessly interfere with the rights of others. He, however, will never be a victim! He is one of those gusty declaimers—a windy speaker—a—'

"Mr. Crittenden. 'If the gentleman will allow me, I rise to a question of order. Gentlemen have evidently become excited, and I hear on all sides language that is not becoming. I call the gentleman to order for his personal reference to the senator from New Hampshire.'

"Mr. Foote. 'I only said, in reply to the remarks of the senator from New Hampshire—'

"Mr. Crittenden, 'I did not hear what the senator from New Hampshire said, but the allusion of the gentleman from Mississippi I consider to be contrary to the rules of the Senate.'

"Mr. Foote. 'I am aware of that. But such a scene has never occurred in the Senate—such a deadly assailment of the rights of the country.'

"Mr. Johnson, of Maryland. 'Has the chair decided?'

"Mr. Foote. 'Let my words be taken down.'

"The presiding officer. 'In the opinion of the chair, the gentleman from Mississippi is not in order.'

"Mr. Foote. 'What portion of my remarks is not in order?'

"The presiding officer. 'The gentleman is aware that the question of order is not debatable.'

"Mr. Westcott. 'I ask whether the words objected to are not, according to the rule, to be reduced to writing?'

"Mr. Foote. 'I pass it over. But the senator from New Hampshire has said, that if I would visit that state, I would be treated to an argument. Why, I would not argue with him! What right have they of New Hampshire to argue upon this point? It is not a matter with which they stand in the least connected. They have no rights of property of this description, and I rejoice to be able to say that a large portion of the intelligent and patriotic people of New Hampshire do not concur in the views expressed by the senator this morning. They take the ground that the people of the United States, the Constitution, and the Union, have guarantied the rights of the South, connected with this property, and that the people of New Hampshire have no right at all to meddle with the subject. Why, is it not a fact, that gentlemen, members of the body—among them, the distinguished senator from Massachusetts, whom I regret not to see in his place—are known to be more or less hostile to the institutions of domestic slavery, but have never entertained the doctrine that the Congress of the United States has any jurisdiction whatever over the subject? They have held that any attempt, directly or indirectly, to effect abolition or to encourage abolition, by congressional legislation, is at war with the spirit and letter of the Constitution.'

"Mr. Hale. 'Will the senator allow me to inquire if he can point out a single instance in which I have made any aggression upon the rights of property in the South?'

"Mr. Foote. 'That is the very thing I am about to show. When the senator from New Hampshire undertakes to assert that those Northern men who do not concur with him are "cravens," he uses language of false and scurrilous import. It is not the fact that his language will be re-echoed in any respectable neighborhood in New England. His sentiments will find no response or approval in any enlightened vicinage in New England; and, therefore, he has no right to say that those who are faithful to the principles of the Constitution, and fail to re-echo the fierce, fanatical, and factious declarations of the senator, are "cravens" in heart,

and deficient in any of the noble sentiments which characterize high-spirited Republicans.'

"Mr. Hale. 'I did not use such language.'

"Mr. Foote. 'Did the senator not use the word "craven?"'

"Mr. Hale. 'If the senator will allow me, I will inform him that, when the senator from South Carolina remarked that he supposed it was thought that the South had lost all feeling, I replied by asking if it was supposed that the North had no sensibility; that we had bowed our faces to the earth, with our backs to the sun, and submitted to the lash so long that we dared not look up?'

"Mr. Foote. 'The declarations of the senator from New Hampshire just amount to this: that if he met me on the highway, and, addressing me gravely or humorously—for he is quite a humorous personage—should say, I design to take that horse which is now in your possession, and then announce that he wished to enter into an argument with me as to whether I should prefer that the animal should be stolen from the stable or taken from me on the road, how could I meet such a proposition? Why, I should say to him, either you are a maniac, or, if sane, you are a knave. And yet this very case is now before us. The senator from New Hampshire introduces a bill obviously intended to rob the people of the district of their slaves. I will read it, and show that such is the import of the bill. I do not know any thing about the paper to which reference has been made. It has been sent to me, as to other senators, during the winter; but I always refrain from opening it. The editor of it may be an intelligent man. I have heard that he is. He is certainly an Abolitionist. It may be that he has not in his paper openly avowed, as the senator from New Hampshire seems very plainly to indicate, that he has approved of this late attempt to steal the slaves from this district. But the publication of such a paper has tended to encourage such movements.'

"Mr. Hale. 'When did I avow that I approved of this movement?'

"Mr. Foote. 'I will show it from this bill. I challenge the senator to produce any such statute from the statute-book of any state of this Union.'

"Mr. Hale. 'I have said that the bill is in substance identical with one of the statutes of the State of Maryland. I have that statute before me, and will hand it to the senator.'

"Mr. Foote. 'How are we to understand the senator. He will not acknowledge that his object is to encourage such conduct, and he shuns the responsibility. When we charge upon him that he himself has breathed, in the course of his harangue of this morning, the same spirit which has characterized this act, he says, most mildly and quietly, "By no means; I have only attempted to introduce a bill corresponding substantially with the law on the statute-books of the states of this confederacy." And the senator supposes that all of us are perfectly demented, or do not know the nature of the case, the circumstances, or the motives which have actuated the senator. Will he undertake to assert that he would have ever heard of such a bill if these slaves had not been abducted from the district, in opposition to the consent of their owners, by the parties engaged in this marauding expedition? He can not deny it; and, therefore, I am authorized to come to the conclusion that he introduced the bill for the purpose of covering and protecting that act, and encouraging similar acts in future. What is the phraseology of the bill? (The honorable senator here read the bill.) Who doubts now that the object of the senator from New Hampshire was to secure the captain of vessels and others engaged in any attempts by violence to capture and steal the slaves of this district? No man can doubt it. Then, I ask, have I used language too harsh? and is it not a fact that the senator is endeavoring to evade a responsibility which he is not willing to acknowledge?'

"Mr. Hale here read an extract from the law of Maryland, passed in 1836, to

which he had referred, for the purpose of showing its identity with the bill now introduced by him.

"The honorable senator will surely now do me the justice to say that the bill was not drafted with reference to any particular case, such as that to which he refers. I had not the remotest reference to the protection of individuals concerned in transactions of that character; but if I should undertake to say that I had not reference to demonstrations growing out of that transaction, I should be saying what was false, for it was these demonstrations which induced me to introduce the bill.'

"Mr. Foote. 'In one breath, the senator makes two directly contradictory assertions. He says that he did not draw the bill in reference to this case, and in the same breath declares that he did! He disclaims in one moment that which he avows in the next! I am sorry that I have occupied the attention of the Senate so long. I have felt deeply on this subject. We have witnessed this morning the first attempt on this floor to violate the constitutional rights of the South, and I hope it will be the last. I trust that the indignation of the country will be so roused, that even in the quarter of the country from which he comes, the senator from New Hampshire, although his sensibilities are not very approachable, will be made to feel ashamed of his conduct.'

"Mr. Mangum. 'It has been now about fourteen years, I believe, since the Senate, very wisely, by the concurrence of the ablest and most distinguished men on both sides, came to the resolution to exclude discussion upon the inflaming topic of slavery; and that when abolition petitions were presented, upon the question of reception a motion should be entertained, which motion is not debatable, and the vote taken upon it to lay the motion for reception upon the table. There has been, ever since this rule was established, a steady, uniform adherence to it; but I am sorry to perceive that there is latterly a disposition manifesting itself to depart from the salutary rule of action which the Senate thus wisely prescribed for itself. Upon this question of slavery we know there are different opinions entertained in different quarters of the Union. I stand here representing the interests of one portion of that Union; but I could not, if I would, bring myself to a state of excitement and alarm in consequence of any menaces that might be thrown out. I stand upon the constitutional compromises; and while I would not invade the rights of others, I am very sure that the sound portion of the community will not invade our rights. Why should we pursue this discussion? Is it believed that we are to be reasoned out of our rights? No, sir. Then why discuss the subject? Why not stand upon our rights—upon our constitutional compromises? Why not stand thus perfectly passionless, but prepared to defend them when they shall be assailed? But are they to be assailed? Sir, nothing has occurred during this session that has afforded me more satisfaction than to hear from some of the ablest and most distinguished men in this Union the declaration that, while they are opposed to an extension of the area of slavery, they are not disposed to trample upon the compromises of the Constitution. This is our strength. It is to be found in the patriotism of those who love the institutions of our country better than party. I believe the great body of the people are prepared to stand upon the compromises of the Constitution. It is upon this ground that I stand content and passionless; and, if I know myself, I shall ever continue to do so.

"'Sir, no good can result from this discussion. I shall vote against the reception of the bill at this time. And why? Because I think that the occasion which is selected for its introduction is a very unhappy one. It seems to grow out of the occurrence of an unwarrantable trespass recently committed upon the rights of the citizens of this district, without being directed to the prevention of such

aggressions in future; but, on the contrary, having for its object the suppression of the manifestations of the feelings of indignation which such acts naturally create. We, who are the only legislators for the District of Columbia, are not informed of their wants and wishes in regard to legislation upon this subject. If the people of this district require any other laws than they already have, for the purpose of protecting their property against unlawful violence, let them indicate to us their wishes, and I shall be ready to lend a willing ear to their request, and to aid in passing such a law as, in my judgment, may be necessary for their protection. If, on the other hand, the citizens of this district should require other and more penal laws for the purpose of protecting their slave property, I shall be as ready to vote for a bill for that purpose; but I shall never vote for the one nor the other when I find them pressed forward by gentlemen of extreme opinions—gentlemen from remote portions of the Union, having few feelings in common with the citizens of the district.

"'Sir, upon these subjects I am accustomed to look to the silent operation of the law for the protection of all our rights. In the state from which I come, there is no excitement in regard to these subjects. If I know any thing of the character of that loyal, steady, fixed, and moderate state, there is no state in the Union which will hold to her principles and her rights with more firmness than that state. But we appeal to the silent operation of the law; we know nothing of mob law or of Lynch law; we know nothing of excesses of this description. Although I have lived to be an old man, most of the time in North Carolina, I have never seen any thing in that state approximating even to a spirit of popular tumult.'

"Mr. Foote. 'Will the honorable senator allow me to ask him whether, in the case of a conspiracy to excite insurrection among the slaves, it would not, in his opinion, justify mob proceedings?'

"Mr. Mangum. 'Oh! my dear sir, in former years we had a compendious mode of disposing of such cases. We have now a mode equally certain, though not so compendious. Upon a matter of that nature, we take a strong ground. But I am not to be driven hastily into legislation that is proposed by gentlemen who entertain extreme opinions on either side. I am accustomed to look to the people of the district for an exposition of their wants in regard to legislation. They necessarily understand them better than we can do. Upon their suggestion I am prepared to act, either in providing penal enactments for the protection of their slave property, or for protecting other descriptions of property from mob violence. I do not intend to enter into the question as to the propriety of making property holders, to some extent, answerable for any damage that may accrue from such violence, where they have a police in existence. I understand that in Maryland they have such a law applicable to towns and cities where they have a police. But, entertaining the views I do—believing that this movement is wholly inexpedient on this occasion—having no evidence that it would be proper on any occasion, but perceiving that the proposed measure has grown out of excitement—I move that the motion for leave to introduce the bill lie upon the table, and upon that question I ask for the yeas and nays.'

"Mr. Calhoun. 'Will the senator be good enough to withdraw that motion for a moment?'

"Mr. Mangum. 'Certainly.'

"Mr. Calhoun. 'If there is any responsibility in regard to this question, that responsibility is on me.'

"Mr. Mangum. 'No, sir, I do not take it so. I feel that the responsibility is upon the inopportune presentment of a bill of this sort, so soon after the transactions which have recently taken place in the district. That is my notion. I think the responsibility is upon the introducer of such a measure at a time when excitement exists all around us.'

"Mr. Calhoun. 'I am very happy to hear that such is the opinion of the honorable senator; but I disagree with my worthy friend, the senator from North Carolina, in several particulars. I do not look upon a state of excitement as a dangerous state. On the contrary, I look upon it as having often a most wholesome tendency. The state to be apprehended as dangerous in any community is this: that when there is a great and growing evil in existence, the community should be in a cold and apathetic state. Nations are much more apt to perish in consequence of such a state than through the existence of heat and excitement. Nor do I agree with the senator from North Carolina in thinking that this is an analogous case to that of the question as to the reception of petitions on the subject of slavery; for we all know that in reference to the latter, the question was whether the Senate was not bound to receive petitions in all cases and on all subjects. Now here is a case in which there is no doubt whatever. All admit that the question of granting leave is a question depending upon the voice of the Senate as a matter of discretion: there is no question of right whatever. Now I submit to the senator from North Carolina whether, under the circumstances, a bill of this kind, introduced at such a moment, to subject the worthy citizens of this district to a high penalty, without containing a single clause for the punishment of those who commit outrages upon them, and deprive them of their property—without a single expression against such marauders—must not be considered a most extraordinary measure, let it come from whatsoever quarter it may? Can any man doubt that, whether intended or not, the object of this bill is to disarm the worthy citizens of this district, so as to prevent them from defending their property, and to arm the robbers? That is the whole amount of it. The Congress of this Union is the Legislature of the District of Columbia; and what is our duty on this occasion? It is to protect these our constituents, who have no other protection but ours. It is our duty to stand forward in their behalf when the extraordinary spectacle is presented to us of a vessel coming to our wharves under the color of commerce, and of the men belonging to that vessel silently seducing away our slaves, and getting nearly a hundred of them on board, and then moving off with them under cover of the night, in order to convey them beyond our reach. What is our duty under these circumstances? Is it not to take up the subject, as I trust the Committee on the Judiciary will do, and pass a bill containing the highest penalties known to the law against pirates who are guilty of acts like these?

"'I differ also from my honorable friend from North Carolina in this respect. He seems to think that the proper mode of meeting this great question of difference between the two sections of the Union is to let it go on silently—not to notice it at all—to have no excitement about it. I differ from him altogether. I have examined this subject certainly with as much care as my abilities would enable me, and if I am not greatly deceived—if I have any capacity to perceive what is coming, I give it as my most deliberate opinion, that if such course is pursued on our part, and the activity of those influences on the other side be permitted to go on, the result of the whole will be that we shall have St. Domingo over again. Yes, and worse than that. Now, sir, we have been asleep; and, so far from the thing being stationary, it is advancing rapidly from year to year. What has taken place within the last few weeks in the Legislature of New York? There is a provision in the Constitution protective of the rights of the South on this subject; and what is it? That the states shall deliver up fugitive slaves that are found within their limits. It is a stipulation in the nature of an extradition treaty—I mean a treaty for delivering up fugitives from justice. Now, what duty does this impose upon the states of this Union? It imposes upon them, upon the known principles of the law of nations, an active co-operation on the part of their Legislature, citizens, and magistrates, in seizing and delivering up slaves who have es-

caped from their owners. What has been done by the Legislature of the State of New York? I speak on the statement of newspapers, which have not been contradicted. They have passed a law almost unanimously—there being but two votes against it—making it penal for a citizen of that state even to aid the Federal officers in seizing and delivering up slaves. They not only do not co-operate—they not only do not stand neutral, but they take positive and active measures to violate the Constitution, and to trample upon the laws of the Union; and yet we are told that things are going on very well, and will go on well, if we only let them alone; that the evil will cure itself. This is what has been done in the State of New York. The only stipulation in the Constitution which confers any benefit upon us, is, without the least regard to faith, trodden in the dust. And New York stands not alone in this matter; many other states have adopted similar measures. Pennsylvania, at the session before last, adopted one, not going to this extreme, but not falling greatly short of it. And what has taken place under that law? A most worthy citizen of Maryland, upon his attempting to recapture his slave, is murdered—that is the proper term—and the perpetrator of the act goes in a great measure unpunished. There was a trial, and some one may have been found guilty, but little was done. I could go on and consume the whole day in tracing, step by step, the course by which every stipulation in favor of this description of property has been set at naught in the Northern States. Now, if all this is the fact, I put it gravely and seriously to our brethren of the Northern States, Can this thing go on? Is it desirable that it should be passed without condemnation? Is it desirable that the South should be kept ignorant of all this? I put these questions. No, no. The very inaction of the South is construed into one of two things—indifference or timidity. And it is this construction which has produced this bold and rapid movement toward the ultimate consummation of all this. And why have we stood and done nothing? I will tell you why. Because the press of this Union, for some reason or other, does not choose to notice this thing. One section does not know what the other section is doing. The South does not know the hundredth part of all that has been done at the North. Now, since this occurrence has taken place, a suitable occasion is presented for gentlemen to rise here and tell the whole Union what is doing. It is for the interest of the North as well as the South. I do not stand here as a Southern man. I stand here as a member of one of the branches of the Legislature of this Union, loving the whole, and desiring to save the whole. How are you to do it? It can be saved only by justice; and how is justice to be done? By the fulfillment of the stipulations of the Constitution. I ask no more; as I know myself, I would not ask a particle that did not belong to us, either in our individual or confederated character. But less than that I never will take. Sir, I hold equality among the confederated states to be the highest point; and any portion of the confederated states who shall permit themselves to sink to a point of inferiority—not defending what really belongs to them as members—sign their own death-warrant; and in signing that, sign the doom of the whole. Upon the just maintenance of our rights, not only our safety depends, but the existence and safety of this glorious Union of ours; and I hold that man responsible, and that state responsible, who do not raise a voice against every known and clear infraction of the stipulations of the Constitution in their favor. This is a proper occasion, and I hope there will be a full expression of opinion upon it. I hope my friend from North Carolina will reconsider his motion, and not press it. Let us meet this question at once.'

"Mr. Douglas. 'I have listened to this debate with a good deal of interest. But while I have seen considerable excitement exhibited on the part of a few gentlemen around me, I confess that I have not been able to work myself into any thing

like a passion. I think that, probably, the senator from New Hampshire has done much to accomplish his object. His bill is a very harmless thing in itself; but, being brought forward at this time, and under the present circumstances, it has created a good deal of excitement among gentlemen on this side of the chamber.'

"Mr. Calhoun (in his seat). 'Not the bill—the occurrence.'

"Mr. Douglas. 'On the occurrence I desire to say a word. In the first place, I must congratulate the senator from New Hampshire on the great triumph which he has achieved. He stands very prominently before the American people, and is, I believe, the only man who has a national nomination for the presidency. I firmly believe that, on this floor to-day, by the aid of the senator from South Carolina and the senator from Mississippi, he has more than doubled his vote at the presidential election, and every man in this chamber from a free state knows it. I looked on with amazement, for a time, to see whether there could be an understanding between the senator from New Hampshire and his Southern friends, calculated to give him encouragement, strength, and power in the contest. But I know that those distinguished senators from the South, to whom I have referred, are incapable of such an understanding; yet I tell them that, if they had gone into a caucus with the senator from New Hampshire, and, after a night's study and deliberation, had devised the best means to manufacture abolitionism and abolition votes in the North, they would have fallen upon precisely the same kind of procedure which they have adopted to-day. A few such exciting scenes sufficed to send that senator here. I mean no disrespect to him personally; but I say, with his sentiments —with his principles, he could never have represented a free state of this Union on this floor but for the aid of Southern speeches. It is the speeches of Southern men, representing slave states, going to an extreme—breathing a fanaticism as wild and as reckless as that of the senator from New Hampshire, which creates abolitionism in the North. The extremes meet. It is no other than Southern senators acting in concert, and yet without design, that produces abolition.'

"Mr. Calhoun. 'Does the gentleman pretend to say that myself, and Southern gentlemen who act with me upon this occasion, are fanatics? Have we done any thing more than defend our rights, encroached upon at the North? Am I to understand the senator that we make abolition votes by defending our rights? If so, I thank him for the information, and do not care how many such votes we make.'

"Mr. Douglas. 'Well, I will say to the senator from South Carolina, and every other senator from the South, that far be it from me to entertain the thought that they design to create Abolitionists in the North or elsewhere. Far be it from me to impute any such design! Yet I assert that such is the only inevitable effect of their conduct.'

"Mr. Calhoun (in his seat). 'We are only defending ourselves.'

"Mr. Douglas. 'No, they are not defending themselves! They suffer themselves to become excited upon this question—to discuss it with a degree of heat, and give it an importance, which makes it heard and felt throughout the Union. It is thus that abolition derives its vitality. My friend from Mississippi (Mr Foote), in his zeal and excitement this morning, made a remark in the invitation which he extended to the senator from New Hampshire to visit Mississippi, which is worth ten thousand votes to the senator; and I am confident that that senator would not allow my friend to retract that remark for ten thousand votes.'

"Mr. Foote. 'Will you allow me?'

"Mr. Douglas. 'Certainly.'

"Mr. Foote. 'If the effect of that remark will be to give to that senator all the abolition votes, he is fairly entitled to them. Had the senator from Illinois lived where I have resided—had he seen insurrection exhibiting its fiery front in the

midst of the men, women, and children of the community—had he had reason to believe that the machinery of insurrection was at such a time in readiness for purposes of the most deadly character, involving life, and that dearer than life, to every Southern man—had he witnessed such scenes, and believed that movements like that of this morning were calculated to engender feelings out of which were to arise fire, blood, and desolation—the destruction finally of the South, he would regard himself as a traitor to the best sentiments of the human heart if he did not speak out the language of manly denunciation. I can use no other language. I can not but repeat my conviction, that any man who dares to utter such sentiments as those of the senator from New Hampshire, and attempts to act them out any where in the sunny South, will meet death upon the scaffold, and deserves it!'

"Mr. Douglas. 'I must again congratulate the senator from New Hampshire on the accession of five thousand votes. Sir, I do not blame the senator from Mississippi for being indignant at any man from any portion of this Union who would produce an incendiary excitement—who would kindle the flame of civil war—who would incite a negro insurrection, hazarding the life of any man in the Southern States. The senator has, I am aware, reason to feel deeply on this subject. But I am not altogether unacquainted with the peculiar circumstances of the sections of the country to which he has alluded. I have lived a good portion of my life upon the immediate borders of a slave state. I have seen the operation of such excitements as those of which he speaks upon both sides of the line. I can well appreciate the excited feeling with which gentlemen in the South must regard any agitating movement to get up insurrections among their negro servants.'

"Mr. Davis, of Mississippi. 'I do not wish to be considered as participating in the feeling to which the senator alludes. I have no fear of insurrection, no more than I have of my cattle. I do not dread such incendiaries. Our slaves are happy and contented. They sustain the happiest relation that labor can sustain to capital. It is a paternal institution. They are rendered miserable only by the unwarrantable interference of those who know nothing about that with which they meddle. I rest this case in no fear of insurrection; and I wish it to be distinctly understood, that we are able to take care of ourselves, and to punish all incendiaries. It was the insult offered to the institutions which we have inherited that provoked my indignation.'

"Mr. Foote. 'Will the honorable senator allow me to make a remark?'

"Mr. Douglas. 'With great pleasure.'

"Mr. Foote. 'If it be understood that I expressed any fear of an insurrection which might grow out of this movement, it is a mistake. I said that such an audacious movement as this could not be tamely submitted to, without encouraging its authors to proceed; and in that, I think, all who have spoken on this side of the chamber concur.'

"Mr. Davis, of Mississippi. 'I did not intend to imply that my colleague had taken any such course as that which I disclaimed.'

"Mr. Douglas. 'All that I intended to say was, that the effect of this excitement—of all these harsh expressions—will be the creation of Abolitionists at the North.'

"Mr. Foote. 'The more the better.'

"Mr. Douglas. 'The gentleman may think so, but some of us at the North do not concur with him in that opinion. Of course, the senator from New Hampshire will agree with him, because he can fan the flame of excitement so as to advance his political prospects. And I can also well understand how some gentlemen at the South may quite complacently regard all this excitement, if they can persuade their constituents to believe that the institution of slavery rests upon their shoulders—that they are the men who meet the Goliath of the North in this great

contest about abolition. It gives them strength at home. But we of the North, who have no sympathy with the Abolitionists, desire no such excitement.'

"Mr. Calhoun. 'I must really object to the remarks of the senator. We are merely defending our rights. Suppose that we defend them in strong language; have we not a right to do so? Surely the senator can not mean to impute to us the motives of low ambition. He can not realize our position. For myself (and I presume I may speak for those who act with me), we place this question upon high and exalted grounds. Long as he may have lived in the neighborhood of slaveholding states, he can not have realized any thing on the subject. I must object entirely to his course, and say that it is at least as offensive as that of the senator from New Hampshire.'

"Mr. Foote. 'Will the senator from Illinois allow me a word?'

"Mr. Douglas. 'In a moment. I am sorry that the honorable senator regards my language as offensive as that of the senator from New Hampshire. Will he allow me to remark, in the first place, that I did not suppose that I should ever be classed with the senator from New Hampshire on the subject of slavery; and, in the next place, that I did not say any thing disrespectful to the senator from South Carolina, or any one associated with him on this question. I did not impugn his motives. I said explicitly that I did not regard him as being actuated by any but the purest motives. He felt indignant at the recent occurrences, and his indignation I regarded as being natural and proper. We of the free states share in that indignation. But I said that the senator from South Carolina, by the violent course pursued here, had contributed to the result which we deplored, and that abolitionism at the North was built up by Southern denunciation and Southern imprudence. I stated that there were men of the North who are ready to take advantage of that imprudent and denunciatory course, and turn it to their own account, so as to make it revert upon the South. I announced in plain terms that truth—a truth which every man from the free states can fully realize; and, sir, I too feel upon this subject, inasmuch as I have never desired to enlist, and never shall enlist, under the banners of either of the radical factions on this question. I have no sympathy for abolitionism on the one side, or that extreme course on the other which is akin to abolitionism. We are not willing to be trodden down while you hazard nothing by your violence, which only builds up your adversary in the North. Nor does he hazard any thing; quite the contrary; for he will thus be enabled to keep concentrated upon himself the gaze of the Abolitionists, who will regard him as the great champion of freedom who encounters the distinguished senator from South Carolina and the senator from Mississippi. He is to be upheld at the North because he is the champion of abolition, and you are to be upheld at the South because you are the champion who meet him; so that it comes to this, that between these two ultra parties, we of the North, who belong to neither, are thrust aside. Now we stand up for all your constitutional rights, in which we will protect you to the last. We go for the punishment of burglary, stealing, and any other infringement of the laws of this district; and if these laws be not strong enough to prevent or punish those crimes, we will give to them the adequate strength. On the other hand, we go for enforcing the law against mobs, and any destruction of property by them; and if the law be not strong enough to suppress them, we will strengthen it. But we protest against being made instruments—puppets—in this slavery excitement, which can operate only to your interest, and the building up of those who wish to put you down. I believe, sir, that in all this I have spoken the sentiment of every Northern man who is not an Abolitionist. My object was to express my deep regret that any such excitement should have grown out of the introduction of this bill.'

"Mr. Foote. 'I had supposed that I had already sufficiently explained myself.

No Southern man has ever introduced this question into the halls of legislation. Of this the senator must be well aware. If he knows an instance to the contrary, I should be extremely glad to be informed of it. The question is not now brought up by any movement of ours; it is forced upon us by the senator from New Hampshire. The South has been silent, resting firmly, discreetly, and with dignity, upon her rights which are guarantied to us by the Constitution. It is only in defense of her acknowledged rights that she undertakes to say any thing. The senator from New Hampshire has now introduced a bill which is calculated to produce mischief. Are we to remain silent? Or, if we use language of just indignation, are we to be charged with endeavoring to make ourselves popular in the South? Let me say to the senator from Illinois that this is a most ungenerous proposition. He says that no unworthy motives lie at the foundation of this measure. Why, I can imagine no more unworthy motive than unprincipled demagogism. I would scorn myself if I could for a moment permit myself to give countenance to any thing so unworthy. I would say, with all possible courtesy to the senator from Illinois, for whom I entertain the highest respect, and whose general feelings of justice for us in the South we all understand and appreciate—he will permit me to say to him, in a spirit of perfect courtesy, that there are various ways of becoming popular. Our constituents will have confidence in us if they see we are ready here to maintain their interests inviolate. And it may be, also, that the senator from New Hampshire will strengthen himself in proportion as his conduct is denounced. But I beg the senator from Illinois to recollect that there is another mode of obtaining that popularity which is expressed in the adage, "*In medio tutissimus ibis*," and that there is such a thing as winning golden opinions from all sorts of people; and it may be that a man of mature power, young, and aspiring as he may do to high places, may conceive that, by keeping clear of all union with the two leading factions, he will more or less strengthen himself with the great body of the American people, and thus attain the high point of elevation to which his ambition leads. But if the senator from Illinois thinks that a middle course in regard to this question is best calculated to serve his purpose, he is mistaken.'

"Mr. Douglas. 'The senator has hit it precisely when he says that sometimes the course advised in the familiar adage which he has quoted is indeed the course of duty and of wisdom. I do believe that upon this question, that is the only course which can win "golden opinions" from reflecting men throughout the country.'

"Mr. Foote (in his seat). 'Golden opinions from all sorts of people.'

"Mr. Douglas. 'In the North, it is not expected that we should take the position that slavery is a positive good—a positive blessing. If we did assume such a position, it would be a very pertinent inquiry, Why do you not adopt this institution? We have molded our institutions at the North as we have thought proper; and now we say to you of the South, if slavery be a blessing, it is your blessing; if it be a curse, it is your curse; enjoy it: on you rest all the responsibility! We are prepared to aid you in the maintenance of all your constitutional rights; and I apprehend that no man, South or North, has shown more consistently a disposition to do so than myself. From first to last, I have evinced that disposition. But my object was to inform the people of the South how it is that gentlemen professing the sentiments of the senator from New Hampshire get here; how it is that they will see others coming here with similar sentiments, unless they reflect more calmly and coolly, and take a different course; and how this imprudent and violent course is calculated to crush us who oppose abolitionism. If any unpleasant feeling has been excited by these remarks of mine, I regret it. I know that it is not always pleasant to tell the truth plainly and boldly, when it comes home

to an individual; but what I have said is the truth, and we all know it and feel it.

"I think the introduction of this bill has been ill timed. I doubt its expediency in any circumstances; but, brought up at present, it is peculiarly calculated to produce unnecessary excitement; and I will never consent to the introduction of such a bill under the present circumstances. I am willing to instruct your committee to inquire whether any formal legislation be necessary for the purpose of suppressing kidnapping, mobs, rioting, and violence in the District of Columbia. I am prepared to meet the responsibility of passing the most stringent laws against any illegal acts. That is my position. My views in relation to this subject are well known. I have always supported, by my vote, the rule excluding abolition petitions. I voted with you of the South to sustain it. It was repealed against my vote. I was ready to stand by it as long as it was necessary for your protection. I will vote for any other measure necessary to protect your rights; but I claim the privilege of pointing out to you how you give strength and encouragement to the Abolitionists of the North, by the imprudent expression of what I grant to be just indignation, and which you deem it to be necessary so to utter in self-defense."

Throughout his whole term of service, the personal bearing of Mr. Giddings has been unexceptionable, and in accordance with the strictest requirements of parliamentary decorum. We have seen him taunted, rebuked, insulted—all *but* struck; yet we never saw him forget his knowledge of the presence he was in, much less engage in any thing like one of those pugilistic encounters of which the records of the House, in recent years, afford so many humiliating evidences.

On one occasion, when an insult was regarded by him as very direct and gross, he manifested his appreciation of it by this reply—a type of his conduct in all such instances:

"It is related of a veteran marshal, who had grown old in the service of his country, and who had fought a hundred battles, that he happened to offend a young and fiery officer, who spat in his face for the purpose of insulting him. The general, taking his handkerchief from his pocket and wiping his face, remarked, 'If I could wash your blood from my soul as easily as I can this spittle from my face, you should not live another day.'

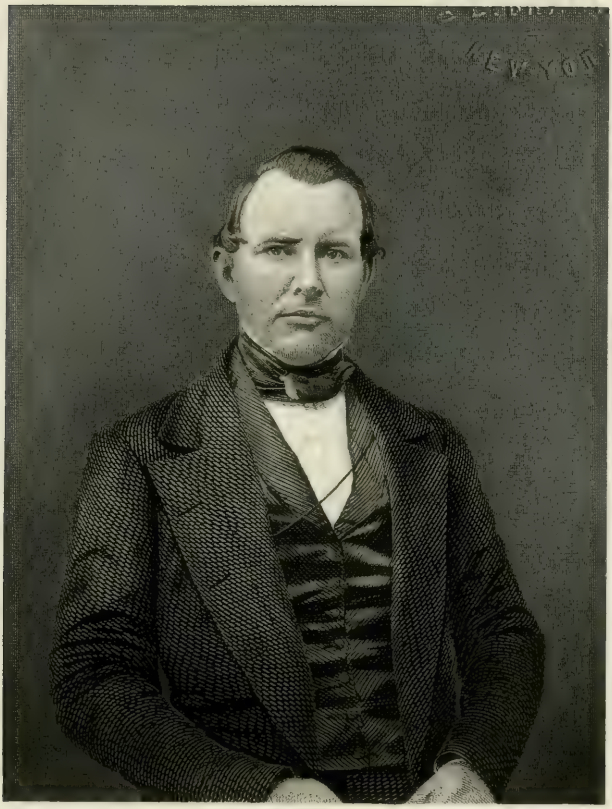
"I will say to the member that I claim no station superior to the most humble, nor inferior to the most exalted. In representing what I believe to be the views of my people, and what I deem their interests and the interests of the North, I made the remarks I did. I say to him, that at the North we have a different mode of punishing insults from that which exists at the South. With us, the man who wantonly assails another

is punished by public sentiment. To that sentiment I appeal. It will do justice both to the member and myself."

It may truly be said that there is no member of the House more constantly attentive to the duties of his station or the interests of his constituents than Mr. Giddings.

LUMPKIN, JOHN HENRY,

REPRESENTS the fifth Congressional District of the State of Georgia. He was born on the 13th of June, 1812, in Oglethorpe county in that state. His forefathers emigrated from England before the war of the Revolution, and originally settled in the State of Virginia, where many of the family connections remain to this day. His grandfather, John Lumpkin, Senior, removed to Georgia, and settled in Oglethorpe county when that section of the country was a wilderness. He was a member of the Convention that framed the present Constitution of the state at an early period of her history. He married at an early age, in the State of Virginia, Lucy Hopson, and was the father of eleven children, nine of whom were raised, and settled in the State of Georgia with their families. His second son, William Lumpkin, has always occupied a popular position in that state; and, from the time he was eligible to a seat in the Legislature to the present period, no man has possessed a more liberal share of the public confidence. He was elected in the first instance to a seat in the Legislature of Georgia, and subsequently to a seat in the national House of Representatives. He was then twice elected Governor of Georgia, and afterward was elected to the Senate of the United States. In all these positions he sustained himself with much ability, constantly adding to his own strength and popularity in ev ery public station which he occupied. He was a plain farmer, and had not been favored with early advantages, or opportunities for education of an academical or collegiate character; but, by his application and great industry in qualifying himself to discharge the duties of the distinguished stations he has occupied, and which he filled with credit to himself and entire satisfaction to those whom he represented, he now bears the reputation of one of the best-informed and most useful citizens of the state. For forty years no man has been



John H. Lumpkin

more beloved or more trusted. While in Congress, he distinguished himself by his active exertions in urging upon the general government the extinguishment of the Indian titles to all lands within the limits of the State of Georgia; and he favored and supported, with all his ability, the policy of settling the Indians permanently in the territory belonging to the United States west of the Mississippi River. After he was elected governor, he continued to advocate the same policy, and succeeded, during his administration, in removing the Cherokee Indians from Georgia, and organizing the country which they had occupied, west of the Chattahoochee River, into thirteen counties, which now contain an intelligent, industrious, and enterprising population, numbering at this time not less than one hundred thousand inhabitants. The county of Lumpkin was named for him; and to the town of Lumpkin, in the county of Stewart, the name was also given in honor of his public services and private worth. He has retired from all public employment, and is now residing at the town of Athens in ease and comfort.

Of the nine children of John Lumpkin, Senior, to whom we have referred, eight were sons and one was a daughter. The six oldest sons were all farmers, including Wilson Lumpkin, of whose public career we have just spoken. The two youngest sons, Joseph Henry Lumpkin and Thomas Jefferson Lumpkin, were educated at Princeton College, in the State of New Jersey. The youngest, Thomas, after studying a profession, and marrying, removed to the State of Alabama. He gave promise there of a distinguished career as a lawyer, but fell a victim at an early age to the ravages of the climate. Joseph Henry Lumpkin studied law, and has long occupied a distinguished position as a lawyer in Middle and Northern Georgia. He is considered a well-read and profound lawyer, and, as an advocate, has found no superior in that state. He is a ripe scholar; and, while he is universally regarded as a man of superior intellectual attainments, and respected for his professional learning and ability, he is also beloved for his philanthropy and his devotion to the cause of Christianity. At the session of the Legislature which met in 1845, a Supreme Court for the Correction of Errors was for the first time organized in the state, and three judges, of eminent ability, were selected

for these newly-created offices. One of the judges was elected for the term of six years, another for the term of four years, and another for the term of two years. The one elected for the term of six years was to be considered as chief justice of the Supreme Court of the state. Joseph Henry Lumpkin was elected for that term, and is at this time doing much by his judicial attainments to give to the decisions of that court an honorable distinction, as well in Georgia as in other states of the Union.

The five other sons of John Lumpkin, Senior, namely, William, John, George, Henry Hopson, and Samuel, were all plain, substantial farmers, or planters, remarkable for their energy of character and sound practical sense. John, the third son, was highly esteemed among the Baptist denomination as a faithful and successful minister of the Gospel. Few men possessed more undivided influence over their congregations, and he was beloved by all who knew him.

George, the father of John H. Lumpkin, was the fourth son, and enjoyed but few early advantages of education. He was employed on his father's farm until he arrived at manhood, where he learned to labor, and acquired habits of industry that have never deserted him. Soon after his maturity he married Sarah Pope, the daughter of Henry Pope, who was a respectable planter, and resided in the county of Oglethorpe, not far from his father's residence. By this marriage he had issue two sons and three daughters.

John H. Lumpkin was the oldest son, and, when not more than five years of age, was sent to a neighboring school, and continued there, with occasional interruptions, until, in his tenth year, he was left without a mother. After her decease, his father married a second and a third time. His second wife, Frances Callaway, lived only six weeks after marriage. His third and present wife was Lucy Davis, by whom he had issue a son and daughter. The son, George, is now in the public service in the Post-office Department at Washington.

While his father was a widower, John H. Lumpkin was placed from home in the family of his uncle, Samuel Lumpkin, a farmer, from whom and his wife he received attention and kindness which made an ineffaceable impression on his memory. He speaks of them now in terms of the most grateful re-

membrance. During his sojourn under their roof, he had no opportunity of going to school; but, upon his father's third marriage, the children having been taken home, he was again placed at school, and commenced learning Greek and Latin. He continued to prosecute these studies, with others, preparatory to admission into college, under the tuition of Messrs. Sherwood, Rhea, Alden, and Hopping, at the Hermon Academy, erected by his father and several other neighbors, for the purpose of educating their own children, without incurring the hazard and expense of sending them from home. But, for some reason or other, these pursuits became extremely irksome, and he asked his father's permission to leave school, that he might go into the field and perform daily labor with the slaves. His father assented to the proposition, but not without regret at the apparent disappointment of the hopes he had cherished for his son. He gave him the full benefit, however, of the most severe and constant labor. He was employed in the same duties, for the same number of hours, with other laborers of his own age and strength. No favors were shown to the son at the expense of the servant, but, whether in toil or repose, the same share was meted out to both. Before the close of the year, his father made an arrangement with John Landrum, a worthy gentleman, at that time clerk of the Supreme Court of Oglethorpe county, to employ his son in the office as assistant clerk. The terms of the engagement were, that his father was to board and clothe him, and that he was to have the benefit of Mr. Landrum's instruction in return for any assistance he could render in the office. He remained here one year, and acquired much valuable information. The associations to which this office introduced him, gave him, for the first time, a thirst for knowledge, and a desire for a regular education. His energies and ambition were awakened under the conviction that education and knowledge alone could give him position and elevation in life. His new-born views were readily sanctioned by his father, and he was sent immediately to Franklin College, Athens, Georgia, having been first admonished that to give him an education and a profession would be all that justice to the other members of the family would allow to be done for him, and that, beyond those benefits, he must look to his own exertions for advancement in life.

About this time his father became pious, attached himself to the Baptist denomination of Christians, and devoted himself to the study of the Scriptures. He was naturally a man of strong mind and vigorous intellect, remarkable for his energy and decision of character; and when these elements of mind and character were concentrated upon any given subject, action was inevitable. His improvement after his conversion was rapid, and he was in a very short time ordained as a Baptist minister. He has continued in that vocation for nearly twenty years. He holds a prominent place in the estimation of the denomination to which he belongs. He is beloved by all his congregations, and has frequently been elected moderator of the association to which he is attached. He still continues to plant cotton, and divides his time between his farm and three or four churches in the county, at each of which he has been called to preach as often as one Saturday and Sunday in each month. He now resides in the same county where he was born and reared, and where he raised his family.

After remaining at Franklin College about twelve months, John H. was sent, in 1830, to Yale College, Connecticut. While pursuing his studies there, he acted a conspicuous part in defending his native state against charges against her, growing out of the contest between the constituted authorities of Georgia (of which state his uncle, Wilson Lumpkin, was then governor) and the Cherokee Indians, in regard to her right to extend her laws and jurisdiction over the country then occupied by the Indians west of the Chattahoochee River. In the summer of 1832, upon the approach of the Asiatic cholera, the faculty at Yale College determined to suspend for a time all duties and instruction, and the students returned to their residences. Not long after his arrival at home, after an absence of upward of two years, his uncle, the governor, invited him to Milledgeville, offering him the appointment of secretary under him in the executive department, which he accepted. He remained in that office until July, 1833, when the state of his health required him to resign it. Having recovered, he entered the office of his uncle, Joseph Henry Lumpkin, and read law with him until March, 1834, when he was admitted to the bar as a counselor and attorney at law.

The laws of Georgia were then extended over the Cherokee

country west of the Chattahoochee River. The land had been surveyed and disposed of by lottery to the citizens of the state; the country had been divided into thirteen counties, and all the civil and military officers had been elected and commissioned for the purposes of justice and order. The Indians, however, were still residing in the territory, at their homes, and were protected by the laws of Georgia in the possession and enjoyment of their improvements. In the fall of 1835, the head men and chiefs of the Cherokee nation entered into a treaty with the United States, ceding their country to the general government for the use of Georgia, but providing that they should hold possession of their actual improvements for two years. At the expiration of the time designated by the treaty, the tribe were all removed together to their new homes in the West; but Mr. Lumpkin, immediately after his admission to the bar, removed to the county of Floyd, one of the new counties formed out of the country acquired from the Cherokees, and established himself in his profession. After a short residence there, and being then only twenty-three years of age, he was chosen by the people to represent them in the State Legislature. During its session, a charter was granted to the Central Rail-road Company, authorizing them to construct a road from Savannah to the city of Macon, in support of which project he is represented to have made a very successful effort. It was his first. Ever since then he has been the warm advocate of internal improvements by means of private capital, controlled by proper limitations. A year or two later, he was an active member of the Internal Improvement Convention held in the city of Macon, which projected the great Western and Atlantic Rail-road from the Atlantic to the Tennessee River. During his term of service in the State Legislature he was the active friend of the most extended and useful system of common schools for the purposes of education; and, for the benefit of that portion of Georgia recently organized into counties out of the territory acquired from the Cherokee Indians, he introduced a bill making an appropriation of ten thousand dollars for the erection of academies. He succeeded in carrying this bill through; and, at an early day, a newly-erected and neatly-painted building might be seen at the court-house town in each county, a monument of the enlightened munificence of the Legislature in the

cause of education. He also urged upon that body an appropriation of ten thousand dollars for the improvement of the Coosa River, at the head of which is situated the town of Rome, then and now the place of his residence. The proposition was ridiculed. It was opposed, in debate, upon the ground that the removal of obstructions would *prevent citizens, resident in the vicinity of the stream, from crossing over on foot-logs.* And thus it failed. Yet now, a fine large steamboat, carrying hundreds of bales of cotton, is running constantly on that river; and it is said that the time is not far distant when North Alabama will annually send by its waters to the Georgia railroads at least twenty thousand bales of cotton for the markets of Charleston and Savannah.

In the month of February, 1836, Mr. Lumpkin married, at Milledgeville, Martha Antoinette, eldest daughter of Robert M'Combs, of that place. He continued the practice of his profession at Rome, Floyd county. By his marriage he had one son, but his wife died of consumption in September, 1838. In November of that year he was chosen by the Legislature, against many opponents, Solicitor General of the Cherokee Circuit of Georgia for the term of three years. It is conceded that he made a good prosecuting officer, and brought himself into much repute with the people of his district. At the session of the Legislature in 1839, in a convention of the Democratic party, he was for the first time, being then only twenty-eight years of age, nominated as a candidate for Congress. He ran before the whole people of Georgia (the election being by general ticket), and, although defeated, was among the highest on his own ticket. In May, 1840, he married his second wife, Mary Jane, daughter of Thomas Crutchfield, who resides at Athens, in the State of Tennessee. By this marriage he has three children living. In the spring of 1842, he was again nominated by the Democratic party as one of its candidates, to be run, by general-ticket election, for the twenty-eighth Congress. He was elected, and took his seat.

In another place [see title, HOWELL COBB], we have entered into some details respecting the conflict of State and Federal authority arising under the second section of the Apportionment Law. Mr. Lumpkin was one of the representatives from the State of Georgia who were elected to the twenty-eighth

Congress under the general ticket system. He maintained and vindicated the rights of his state under that system. Though personally in favor of the Congressional District system, as he believed a majority of both political parties in Georgia were, yet he contended that the people of that state had not assented to the principle, as asserted in the second section of the Apportionment Act, and that, therefore, it was invalid and inoperative, because Congress possessed no constitutional power thus to direct the legislation of the states.

"We have been characterized," he said, "by honorable members of this House, in solemn and formal protest, which they sought to enter upon your journals, as violators of public law, as disorganizers seeking to overturn the government itself; and, in the course of this discussion, some of these same honorable gentlemen have declared it to be an act of nullification on the part of the people of four states of this Union, whose election laws have not been made to conform to the legislation of Congress by their several State Legislatures. I am not of that school of politicians who, ten years ago, had their existence as a separate and distinct political party, and were denominated 'Nullifiers,' and, consequently, can not speak for them on this occasion. They can, and no doubt will, defend their own position, if necessary; but I desire, sir, to enter my own solemn disclaimer to the charge of insubordination to the constitutional government of this country—the constitutional laws made in pursuance thereof. My honorable colleague [Mr. Stephens], while he admits the obligatory character of the law of Congress under discussion, and urges the duty of compliance on the part of the State Legislatures, also admits that this House is not only the proper, but the sole judicial tribunal, whose duty it is to determine the question of the validity or nullity of the late law. The same position has been conceded by every member who has addressed the House, without a solitary exception. The members from these four states have presented themselves and the rights of their constituents at the bar of this House, affirming that the second section of the Apportionment Act is invalid, inoperative, null and void, and that the only law in force and in operation is the law of their several states. These grave and important issues, involving the great and inestimable constitutional right of the people to be

represented in this government, are now under your consideration by the only conceded constitutional tribunal that is to determine the whole question; and yet, in the face of all this, we are called disorganizers, violators of public law, manifesting insubordination to regular government, our Constitution, and the laws made in pursuance thereof. This, sir, is trifling with the dignity and importance of the subject, and the interests involved, and does not comport with the high-toned character of American statesmen. Mr. Speaker, as well might a party-litigant in the Supreme Court of the United States, now sitting in the other end of this Capitol, who relies for a recovery on some defect in your statutory law, or because it is unconstitutional, be termed a disorganizer. The Supreme Court itself, whose duty it is to determine all questions submitted to them, and to pronounce on the constitutionality of existing laws of the general government, as well as to give force and effect to them by construction, might, with equal propriety, be termed disorganizers and violators of the law, and subverters of the Constitution and government of the country."

In support of his constitutional right to represent the people of Georgia, without any additional legislation on the part of the state or general government, he relied, first, on the second section of the first article of the Constitution, which declares that "the House of Representatives shall be composed of members chosen every second year by the people of the several states." This was the basis of the right which he contended had been secured to the people of the several states, and of which they could only be deprived by laws of the general government, made in the just exercise of power granted expressly in the Federal Constitution.

He relied, secondly, on the fourth section of the first article of the Constitution, which provides "that the times, places, and manner of holding elections for senators and representatives shall be prescribed in each state by the Legislature thereof; but the Congress may at any time, by law, make or alter such regulations, except as to the places of choosing senators."

This constitutional obligation, which imposed upon the states an imperative duty that could not be disregarded, without implying faithlessness to the national compact, had, he contended, been completely fulfilled by the Legislatures of the states who

had passed such laws as was therein contemplated, and who could not, therefore, be censured for any failure on their part to comply with this primary constitutional duty. If any of the State Legislatures had neglected to make the necessary regulations under this clause, Congress would then have had the right to step in and make all such regulations. In answer to the argument that the second section of the law had been passed under the power given to "alter" the state regulations, he contended that the legislation of Congress, which attempted to interfere with the legislation of the several states, should be so far perfect and complete as to form, by the substitution of its own enactment, a full exercise of all the power conferred by the Constitution *primarily* upon the Legislatures of the several states, and *permissively*, or *supervisorily*, on Congress. This perfect and complete legislation the law had not attempted. He admitted that Congress, under the Constitution, had the power to exercise full control and authority in making and altering all regulations, so far as regarded the times, places, and manner of holding elections for representatives; but he did not think that any exigency had occurred which justified the exercise of this authority, or an attempt to control the manner of holding elections in the different states of the confederacy. In other words, he doubted whether such a *necessity* actually existed, as was foreseen and provided for by the framers of the Constitution, to justify the *attempt* of Congress to control the manner of holding elections by *unprescribed* districts. We have elsewhere noted the results of this controversy.

Mr. Lumpkin exerted himself indefatigably and successfully to procure reparation to his immediate constituents, many of whom had served as mounted volunteers in the Florida war, for horses lost in that service. Congress had provided by law for the payment of such claims, but up to the date of his election few of them had been liquidated. The records of the third auditor's office will show what his labors in this behalf were.

In 1843, the Legislature of Georgia divided the state into Congressional Districts, by which process Mr. Lumpkin and his Democratic colleague, William H. Stiles, more recently *charge des affaires* at the court of Austria, were thrown into the fifth Congressional District. Their friends were divided between them, but the nominating Convention gave the choice

to Mr. Lumpkin as their candidate for the twenty-ninth Congress. He was elected over his Whig competitor by a majority of twenty-eight or twenty-nine hundred votes. This election took place in 1844, when the whole country was convulsed in regard to the presidential contest then pending between James K. Polk and Henry Clay. In 1846 Mr. Lumpkin was again elected by a majority over his Whig opponent of nearly four thousand votes.

He has uniformly acted and voted with his party. He says, "I am a Democrat by nature; I have been raised among the people, and all my sympathies are with them." He has given a cordial support to the administration in all matters connected with the prosecution of the Mexican war. In a speech delivered on the 18th of May, 1846, a few days only after the passage of the War Bill, he vindicated the executive from the charges of aggression and usurpation in respect to Mexico. Speaking of that functionary, he said,

"I am unwilling to believe that there is an American citizen, of any party or section of this Union, who would withhold the means for defense against a hostile invasion from any quarter. It is enough for us to know that our soil has been desecrated; that our country has been invaded; that a hostile band of armed soldiers have killed and wounded our citizens; and that the American army, under General Taylor, is in a hazardous situation, and in need of assistance. At a time like this, shall we be struggling for a mere party triumph? Can no circumstances or condition of the country—no perils, however great, induce gentlemen in the opposition to cease their cavilling against the administration, or postpone their hostility to the President? Is not this an occasion when, for a time, all party distinctions and differences shall be forgotten, and with one voice, with one heart, and with one hand, we all shall march forward in defense of the soil, the rights, and the honor of the country?

"If the President had done less than to have prevented, with all the means at his command, the invasion of this territory by a hostile band of Mexican soldiers, he would have been censurable for permitting the desecration of American soil by ruthless invaders; and the same gentlemen who now charge him with a violation of the Constitution, and with a usurpation of power to make an aggressive war upon a friendly sister republic, would

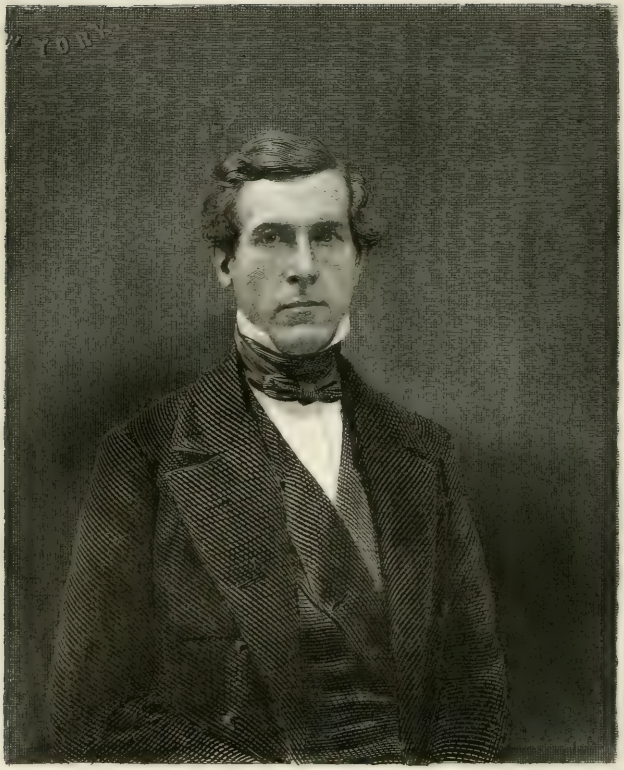
have raised the cry long and loud against his imbecility, his cowardice, and his want of ability to discharge the duties of the chief magistrate of this Union. I do not expect that the President can satisfy such individuals. It would be vain, and worse than idle for him to make the attempt. But the great body of the enterprising, industrious people of this country, of all parties, with one accord, will respect him for his prudence, cherish him for his wisdom, and honor him for the bold and fearless manner in which he has discharged his high and responsible constitutional obligations."

Mr. Lumpkin has uniformly manifested an active interest in all measures connected with the prosperity of his own district and state. He has urged again and again upon the consideration of Congress, since he first entered upon the discharge of his duties as a representative of the people, the propriety and expediency of establishing a national foundry in Cass county, Georgia, a central point in his district. The subject has been brought before Congress under the most favorable circumstances. It has been referred to select committees as well as to the regular standing committees of the House, and the efficient aid which has been rendered by Mr. Lumpkin in these investigations has contributed materially to the favorable results which have always attended them. For the period of four years bills have been reported carrying out his views, but, as yet, no decision has been made upon them.

As a member of the Judiciary Committee, he has introduced, and procured the passage of a bill through the House, dividing the State of Georgia into two judicial districts, organizing a separate district from the northern counties of the state, and conferring upon it circuit-court powers and jurisdiction. To this course he has been prompted by the interests of that growing section of the state which he represents.

As a public man, he is said to pride himself more on his character for firm and consistent devotion to one set of political principles than for distinguished abilities. As a debater he is somewhat diffident, rarely ever speaking in the House or before the people, unless forced to do so by some imperative necessity. When he *does* speak he is rapid and impetuous, having more regard, we should suppose, to the strength of the column than to its beauty. It is known to us that he has ap-

plied himself with uninterrupted vigilance to all those private interests and concerns which his constituents have intrusted to his charge, and that he makes it an invariable rule that no letter addressed to him shall remain *without an answer*. Beneath the surface of this one general fact there is a secret, as between the representative and his people, which is well worth knowing, but not, we think, as universally sought after as it might be. We commend the matter to a more general investigation; for though, by this construction of his duty, a representative must, at times, find the claims upon his time and attention laboriously multiplied, yet he will most probably reap his reward in the gratification of a confiding constituency, and in the accumulating majorities which will be likely to greet his recurring appeal to their suffrages.



W. Bond

HUNT, WASHINGTON.

THIS gentleman, who represents the thirty-fourth Congressional District of the State of New York, comprising the counties of Orleans and Niagara, was born at Windham, Green county, in that state, on the 5th of August, 1811. He is descended from revolutionary stock, several of his kindred having been engaged in the struggle for independence. His grandfather, a surgeon in the army, lost his life in the service. His maternal grandmother was a sister of *Nathan Hale*, whose dying regret it was "that he had but one life to lose for his country."

In the year 1818, while Washington Hunt was yet in early childhood, his father, Sandford Hunt, removed to the Genesee Valley, in Western New York, and settled at Portage, Livingston county, where he still resides. At the age of eighteen the son entered upon the study of the law, and, after completing the usual course, was admitted to the bar of Lockport in 1834. In the same year he was married to Mary H. Walbridge, daughter of Henry Walbridge. From early manhood he took an active interest in political affairs. He embraced what he then regarded as the Democratic, or liberal cause, with the ardor of youthful enthusiasm. He was a zealous admirer and supporter of General Jackson. He advocated the election of Mr. Van Buren in 1836. At the same canvass he was a candidate for Congress, and lacked but a few votes of being elected.

In 1836 he was appointed first judge of Niagara county, and for five years presided in its civil and criminal courts. The appointment, it is believed, gave general satisfaction. Perhaps it may be said that he was the youngest judge of a court of record ever appointed in his state. Yet he discharged the delicate, and often difficult, duties of his important trust with a degree of ability and integrity which won the public approbation. He displayed those essential qualities of judicial excellence, a quick perception, sound judgment, promptness of decision, and

readiness in applying the principles of jurisprudence to complex transactions and ever-varying facts. His constitutional term of service having expired, he was urged to accept a reappointment, which, however, he declined. On his retirement in the early part of 1841, the following proceedings took place:

"*Meeting of the Bar.*—At a meeting of the members of the Niagara county bar, held at the Court-house, in the village of Lockport, on the 4th day of February, 1811, the Honorable H. Gardner was called to the chair, and M. M. Southworth appointed secretary.

"The following call was read:

"A meeting of the members of the bar of Niagara county is requested to be held on Thursday, the 4th of February instant, at one o'clock, for the purpose of expressing their approbation of the manner in which Judge Hunt, whose term of office, as first judge of this county, is about to expire, has discharged his official duties.

"*Lockport, February* 1, 1841.

"L. H. Nicholls,	H. B. Walbridge,	L. Bement,
H. K. Hopkins,	J. C. Morse,	E. I. Chase,
Henry M. Stewart,	H. H. Stuart,	H. C. Clark,
Seth C. Hart,	S. B. Piper,	J. L. Woods,
R. H. Stevens,	S. Caverno,	H. A. Carter,
M. M. Southworth,	A. Holmes,	E. Newton,
A. A. Boyce,	C. R. Parker,	A. C. Bradley,
T. J. Wisner,	J. L. Cuttenius,	M. L. Burrall.

"The following resolution was then offered, and, on motion, unanimously adopted:

"*Resolved*, That the Honorable Washington Hunt, in retiring from the office of first judge of the county of Niagara, will carry with him the kind and grateful recollections of the members of the bar of this county, not only as a judge, possessing a clear and comprehensive mind, combined with a firm, independent, and dignified deportment, but as a man and a private citizen.

"On motion,

"*Resolved*, That the chairman and secretary communicate the proceedings of this meeting to Judge Hunt, and that the same be published in the Lockport papers.

"On motion, the meeting then adjourned."

"LOCKPORT, *February*, 4, 1841.

"Hon. W. HUNT:

"DEAR SIR,—In communicating to you the accompanying proceedings of a meeting of the members of the Niagara county bar, permit us to add, that while we feel a pleasure in being made the organs of this communication, we can not withhold the expression of our regret that the judiciary of this county is to be deprived so soon of your assistance, by the expiration of your official term. Yours, &c.,

"H. GARDNER,
"M. M. SOUTHWORTH."

"LOCKPORT, *February*, 5, 1841.

"GENTLEMEN,—Your note of yesterday, communicating a resolution of the bar of this county, approbative of my official conduct and deportment, was received with deep sensibility. This kind expression of respect and good-will has filled me with emotions of gratitude which I can not adequately express.

"I am, however, but too sensible that the approbation of the bar, so generously expressed and so gratefully appreciated, is not deserved by any qualifications or merits of mine beyond the earnest desire I have felt to fulfill the duties of my place with integrity and impartiality.

"In my endeavors to preserve the authority and respectability of our county court, I have been sustained by the co-operation and manly courtesy of the bar, which alone can impart dignity and decorum to judicial proceedings, give to the legal profession its just elevation, and ensure respect to its individual members. To this invaluable aid and support may be attributed whatever success has attended my official labors.

"Permit me, through you, to express to the members of the bar my sincere thanks for the uniform cordiality and forbearance which I have experienced at their hands, and to assure them that I shall ever cherish the memory of our kindly relations among the most agreeable recollections of my life.

"With sincere attachment and regard,

"Yours truly, W. HUNT.

"To H. GARDNER and M. M. SOUTHWORTH, Esq's."

For some years, during the period of his judicial service, Mr. Hunt withdrew from all political participation in political con-

tests. During this period, the relative position of parties was rapidly changing, and his political opinions experienced a material modification. He was one of the many original supporters of Mr. Van Buren who dissented from the general policy of his administration, and especially from the new measures introduced in relation to the currency and the public finances. He was opposed to what he considered the radical doctrines, violent innovations, and disorganizing tendencies which from that time distinguished the progress of the Democratic party. In a word, his views were naturally conservative, and favorable to the preservation of existing relations and established institutions. An original and constant advocate of the protective system, of a distribution of the proceeds of the sales of the public lands among the states, of improvements of lake and river navigation by the Federal government, and friendly to a liberal financial system adapted to the commercial enterprise and business interests of the country, he found himself widely separated from his old political associates. In regard to these prominent measures of national policy, his views harmonized with those avowed by the Whig party, and he did not permit former differences to restrain him from the free and independent expression of his opinions.

Whether his political views were right or wrong, it is not our province to discuss; but the sincerity of his convictions, and his fearlessness in maintaining them, are conceded by all. It may truly be said that his most prominent characteristics are frankness and independence in the expression of his opinions, regardless of party dictation, and uncontrolled by the trammels of political organization. Ever ready to act with his party in support of what he conceives to be wise and beneficial measures, he aims to govern his course by those paramount obligations which every citizen owes to his country.

In the year 1842 he was strongly solicited to become the candidate of the Whig party for representative in Congress. Consulting only his own disposition, he would have declined the offer; but his friends were urgent, and he was nominated, without a dissenting voice, by the Whig District Convention. He was elected by a fair majority. His personal popularity was great—so much so, that many of the opposite party gave him their suffrages, knowing that his voice and his vote must,

in many important measures, be found against their own principles. Of the estimate which his constituents placed upon his character, no stronger evidence need be adduced than the simple statement of the fact that he has, without solicitation, been regularly renominated for the same office, and re-elected by largely increased majorities.

As a member of the House of Representatives, he directed his early, but fruitless efforts toward the procurement of an amendment to the Constitution of the United States, providing that "no person shall be hereafter eligible to the office of President of the United States who shall have been previously elected to the said office, and who shall have accepted the same, or exercised the powers thereof." He has never lost sight of this proposition, nor omitted, on every appropriate occasion, to urge it upon the consideration of Congress. At a more recent period, he endeavored, unsuccessfully, to introduce a proposition, engrafting on the same instrument an additional amendment, providing that "the President shall not nominate or appoint to any office, civil or military, any member of either house of Congress, nor any person who shall have been a member of either house of Congress at any time during the official term of such President."

We have adverted to the consistency of his views in regard to lake and river navigation. To these views all his votes have conformed. He early declared that "he looked upon the interests of every portion of this Union as American interests, and, as such, he was interested in them, and would support them. He professed to be in favor of a liberal policy in relation to public improvements; and as complaints had been made by Western men that the West had been neglected, he charged that neglect upon Mr. Van Buren's administration. He intimated that a change on this subject was observable from the doctrines entertained during the administration of General Jackson." In uniform keeping, also, with the opinions he entertained, have been his votes on the maintenance of the protective system, and on all those financial experiments which have distinguished the administration of the government for some years past.

Among other measures which he has introduced or advocated has been the construction of a ship canal around the Falls of

Niagara, for the purpose of connecting Lakes Ontario and Erie.

The public are aware that politicians of both parties have had their attention drawn, by recent occurrences, to the subject of the Naturalization Laws. The opinions of Mr. Hunt have been expressed without reserve. On the 29th of December, 1845, when certain resolutions from the General Assembly of the State of Massachusetts, asking "for such amendments to the Naturalization Laws as would protect the ballot-box and the elective franchise from abuses and frauds" [see title, J. R. INGERSOLL], were under consideration, he thus expressed himself:

"He did not doubt that our present naturalization laws are in some respects defective, or that serious abuses exist in their administration. He was convinced that enormous frauds have been perpetrated, as well by conferring the high immunities of citizenship upon those who were not entitled to the privilege under existing laws, as by the usurpation and exercise of the right of suffrage by aliens who have never complied with any of the legal formalities of naturalization; not to speak of colonizing, double voting, and other forms of corruption, which can be reached only by state legislation. He desired to see such a revisal of the code, such new and stringent provisions, as shall effectually prevent these abuses in future, and put an end to the abominable traffic in illegal votes which has become the scourge and disgrace of our larger cities. The evil has arrived at a magnitude so startling, and has of late been marked by such boldness of atrocity, as to call loudly for redress; and nothing less than ample and effective legislation, adapted to the case, affording a remedy which shall renovate the body politic, and stay the progress of corruption, will satisfy the country.

"That abuses exist which demand a corrective will not be denied. In all remedial measures, calculated to eradicate the evils so generally complained of, he was prepared to co-operate, and would proceed as far as those who go farthest. The party with which it was his pride to act in the support of what he conceived to be great national measures and beneficent purposes, are united as one man upon this vital principle of preserving the right of suffrage unprofaned and unpolluted, as the most sacred birthright of a free people. The Whigs of the nation call upon the political majority of this House, on whom rests

the responsibility to guard and defend the elective franchise. Honest men of all parties demand it, whether native or adopted. The adopted citizen who has complied with our laws in good faith, and who desires to identify his personal honor with the welfare of the country, must feel a double motive to protect the privilege of citizenship from unlawful encroachments.

"The resolutions of the Legislature of Massachusetts, which had given rise to this discussion, if he rightly understood them, contemplated nothing more than an inquiry into frauds and abuses, and such legislation as may be necessary to prevent corrupt and illegal practices. It may be doubted whether any remedy will prove effectual until our courts of justice, to whom is intrusted the administration of the law, shall have been purified of party influences. If there be a character on earth which, more than any other, deserves the execration of God and man, it is a political judge who pollutes the ermine of justice, and prostitutes his sacred functions to the furtherance of party schemes and purposes. I consider it the most deplorable and appalling evil of the time that the unclean spirit of party has been permitted to invade the tribunals of justice, and enter the judgment-seat, to inflame the counsels of sworn judges. As a spectacle, it shocks every virtuous, manly sensibility; as a practice, it is the prolific mother of mischief and corruption. It is undeniable that too many of our courts, in the exercise of this branch of their powers, following the baneful example of other departments of government, have lent themselves to party exigencies, and become part and parcel of the political machinery for controlling and carrying elections. On the eve of important elections, they operate as a party apparatus for the manufacture of a sufficient supply of voters, frequently conferring citizenship without adequate proof, the artful and seeming compliance with forms serving only to aggravate the mockery of substantial law and justice. Unless this profanation of judicial powers is frowned upon by the righteous sentiment of the country, if we have reached that stage of profligacy where partisan courts will be tolerated by popular opinion, then is it time for us as a people to repeat the exclamation, 'We are rotten before we are ripe.'

"But he rejoiced in the conviction that a more healthy tone of public feeling prevails. Notwithstanding the inroads of profligacy and corruption, a sentiment of virtue pervades the body

of our countrymen which will yet be heard and felt, demanding integrity and fidelity in the discharge of public responsibilities. It will rise above the trammels of party discipline, and visit severe condemnation upon all who seek to gain political or personal ascendency by dishonorable expedients.

"In regard to the particular reference of these resolutions, he had but little to say. He preferred to leave that question to the political majority here, who alone have the power to reform abuses and vindicate the violated sanctity of the elective franchise.

"He regretted that this proposition to prevent frauds and restore the integrity of the ballot-box should have been made the occasion for a discussion of a radical change in the fundamental principle of our system of naturalization. He viewed that as a very different question, and believed the proposed change of system, by which it is intended to exclude foreigners from a participation in the rights of citizenship, would find but little favor, either in this House or the country. He wished to speak with all due respect and kindness of that portion of our citizens who have thought it their duty to form a political association under the designation of Native Americans. To many of them he freely accorded the highest integrity and patriotism of purpose.

"It was unnecessary to say to the representatives here of that party from his own state, that he entertained toward them personally the most cordial sentiments of friendship and esteem; and, compelled as he was to differ from them, he assured them it was 'more in sorrow than in anger.' But, in the discussion of important questions, there was but one course for him to pursue compatible with his self-respect and sense of duty; that is, to express his convictions with firmness, sincerity, and independence, without respect to persons or consequences. To the principle which aims to exclude foreigners from citizenship, or to extend the length of previous residence beyond the term now established by law, he was constrained to declare his unqualified and irreconcilable hostility. When a great elementary reform is proposed, affecting so vital a right of freeborn men, we are bound to inquire, in a spirit of candor, first, whether the change is *desirable;* and, in the next place, if desirable, whether it be *attainable.* Upon either of these tests he considered the plan utterly inadmissible.

"The condition of our country, the nature of our institutions, and the spirit of our people, are all incompatible with an illiberal policy toward emigrants from foreign lands, who seek our shores to better their condition. We are impelled by every generous impulse to embrace them as friends and brothers, instead of repulsing them from us as aliens, unworthy to share the fruits of our glorious political heritage. They come hither as our fathers came, to seek a home for themselves and their posterity. They come to subject themselves to our laws and institutions, to aid us in the work of constitutional liberty and human advancement—in a word, to unite with us in common perils and a common destiny. Why, then, shall we attempt to deprive them of a just and equal participation in the choice of public agents, and the adoption of laws which are no less applicable to them than to ourselves? A reasonable term of probation, sufficient to test their intentions, to acquaint them with the condition of our affairs and the tendency of measures, to inform them of our laws, manners, and institutions, is undoubtedly requisite; but I believe the term of five years now established is sufficient for these purposes. A prolongation of the period would, in my judgment, produce no mitigation of evils which are justly complained of, and would only serve to inflame discontent, engender discord, and keep alive unnatural and dangerous distinctions. If it be said that foreigners are ignorant, I would inquire if ignorance may not be found among too many of our own American-born people, who participate, by common consent, in the sovereignty of the country? That many emigrants are ignorant is undeniable; but that many of them are fitted by their intelligence for the highest usefulness, is equally certain. If it be said that many of them are factious, let me ask who is more dangerous or more worthy of our denunciation than the domestic demagogue, 'to the manor born,' who seeks to perpetuate and mislead ignorance to his own base uses? Yes, sir, the domestic demagogue, the ever-present curse and foe of all good citizens, whether native or adopted! If it be said that they are poor, it may be replied that poverty is not peculiar to any nation, and it should be the boast of ours that here a broad field is open where honest industry may find a sure reward, and win for itself comfort, independence, and respectability. We all know that many foreigners come among

us poor and needy; but a majority of these, if I may speak from my own observation, bring with them honest hearts, manly resolves, and strong hands, ready to toil and suffer in the pursuit of a virtuous livelihood for themselves and their families.

"Sir, I disdain to employ the language of flattery toward any man or class of men, native or foreign. Instead of addressing them as gods, I have never feared to remind the people of the imperfections which are inseparable to human condition, and to warn them of the dangers to which they are exposed from vice, ignorance, and the seductive arts of party politicians. That the emigrant is exposed, in a peculiar manner, to the wiles of the demagogue, is known to us all. He is too liable to be misled by false aspersions and unmeaning professions. He is soon sought out by that disinterested class of patriots who drive a trade in politics. He is overwhelmed with lavish protestations of generosity, friendship, and devotion; and, to heighten at once his gratitude and wonder, he is assured that a large portion of our countrymen are hostile to liberty, at war with the poor, and intent on establishing the modes of aristocracy and despotism which prevail in the Old World. His mind is inflamed with false prejudices toward his best friends, who are struggling to advance the interests and welfare of all our people, and, enlisted under party colors, he sometimes follows the path which leads to his own destruction. That he should yield to the arts of the seducer is not more strange than that our first mother should have listened to the primitive demagogue who whispered discontent in Paradise. It is to be deplored as a public misfortune, that foreigners, in the morning of their residence here, are exposed to these malign efforts and influences. The responsibility rests, not upon the innocent victims of delusion, but upon the native-born politician who leads them astray. While all good men should regret that the more ignorant portion of our people, native or adopted, are so liable to be misled from their own true happiness by party spirit, it is idle to indulge feelings of petulance or complaint, or to attempt changes which shall exclude any class from a participation in public concerns. It would be equally wise to complain that men are not angels, and abandon the great experiment of free government.

"If it be inquired what is to be done? are the foreigners in

our country to be marshaled in hosts against the welfare of their adopted land? and is there no remedy? I would say to those who propose a system of exclusion, that, in my judgment, they have mistaken the nature of the disease, and the extreme resort to amputation will but tend to increase the evil and render it incurable. 'Native Americanism' is not the true remedy. There are political as well as physical disorders for which *time* is the only infallible physician. Foreign emigrants may be deluded for a season; but for this time is the unfailing, the only corrective. Denunciation, reproach, intolerance, violence of language or of conduct, will but retard the consummation which all true Americans should desire. Experience, observation, intercourse with our people, will rapidly *Americanize* the foreigner, and divest his mind of unfounded prejudices. It should be our aim to inform, to enlighten, to elevate, and undeceive him. Thousands of emigrants have already discovered, and, if a kindly policy is pursued, every year will swell the number of those who perceive, the worthlessness of unmeaning flattery and sounding professions, and the true importance of wise and beneficent measures of government. Those who complain that five years is too short a term, would do wisely to reflect that years are rolling on, and at every annual revolution the foreigner is becoming more thoroughly naturalized in mind and heart, and more intimately incorporated with the body of our people. New ties multiply around him, and his constant progress in knowledge and improvement fix him more firmly to our soil, forming him a wiser and a better citizen."

Mr. Hunt voted in favor of all peaceful resorts for the settlement of the Oregon dispute, because he believed that it was susceptible of a fair and equitable arrangement honorable to both parties. He opposed the annexation of Texas upon "high national grounds;" and his belief (he said) that it would involve this country in a war with Mexico was not among the least of his objections. Speaking, on a subsequent day, of annexation, he said:

"He still deplored that event, but it was now consummated. Texas formed a constituent portion of the Union, and he felt ready to act toward her with the same liberality, the same patriotism and equal justice which he would manifest toward any other of the states of the confederacy. He should not now re-

vive a topic which was calculated only to excite unpleasant feeling. He deprecated all attempts to keep up those feelings of irritation which had in part subsided. He desired to see a general acquiescence in that which was now past and could not be recalled. He would appeal to the entire American people to acquiesce in a spirit of enlarged patriotism, to allay sectional animosities, and cultivate a feeling of nationality, and to strengthen that common bond which was our only reliance for sustaining the honor and perpetuity of the Union."

The war came, and he voted all supplies asked for its prosecution.* "Whatever," he said, "might be his opinion of the causes which produced the collision, while the country was in actual war with a foreign power there was but one course for him to pursue, and that was, to support all proper measures for its energetic prosecution."

He nevertheless believed that the measures which led to the war were unconstitutional; and he thus vindicated himself, and those who had acted with him, from the reproaches cast upon them for the opinions they entertained:

"It had been said that there were some politicians who were always ready to surrender territory that was in dispute. It had become very common in these days to cast indiscriminate reproach on those who preferred to settle vexed questions of boundary in a pacific manner. To claim all and concede nothing was now held to be the quintessence of patriotism. But he would recognize no such test. He wanted to see these questions discussed in an honorable and a candid spirit, according to the moral considerations of right and wrong. He was for respecting the rights of others without surrendering our own. There was a class of politicians who seemed disposed to make use of all questions touching the foreign relations of the country merely as means and instruments of party aggrandizement and the acquisition of power, and hence they contrived to present these questions in such a form as to compel the minority to vote against them."

And again:

* The vote on the Declaratory War Bill [see title, ROBERT C. WINTHROP] does not include the name of Mr. Hunt. He left Washington City about the 1st of May, intending to return by the 9th, but was detained until the 12th, the day *after* the bill passed the House.

"This attempt to present the minority before the country in the unpopular light of a peace party was wholly without foundation; it was not justified by their acts, neither would it be. Gentlemen seemed to think that power and patriotism were identical; and because they had all of the one, they must, of course, monopolize the other. But if it was glory to maintain the national rights and vindicate the national flag, that was a glory shared equally by both sides of the House.

"He was for a bold and decisive, not for a lingering war. It should be sharp and short. This was the way to secure an economy both of money and of human life. He hoped a high national spirit would be found to prevail, and that the war would be prosecuted till the rights and honor of the country were fully vindicated.

"The gentleman from Virginia (Mr. Dromgoole) has alluded to the objects of the war, and the spirit in which he would wage the contest. While he would pursue the Mexicans in a spirit of vengeance, his patriotism revels in the prospect of large indemnities of land and money. National honor is also to be measured by leagues, and all our wrongs, real or imaginary, will be healed by the addition of fresh provinces and enlarged dominion. Mr. Hunt would pursue the contest in a different spirit. He wished to see it prosecuted with decisive force and efficiency till we could secure an honorable peace; but when the time shall arrive to dictate the terms of peace to Mexico, he hoped to witness a display of justice and generous magnanimity. If we could conquer our own rapacity, and restrain the lust of territorial acquisition, we should achieve a moral victory more glorious than the trophies of war. In imposing the conditions of amity, he hoped we might exhibit a spirit of moderation and forbearance becoming a great republic conscious of its power. By our rectitude and generosity in the hour of victory, we might yet do something to restore the drooping honor of the country. When that hour should come, we must not disguise it from ourselves that appearances were against us. While we are strong and powerful, Mexico is feeble and distracted; and we are already in possession of a vast territory which was recently wrested from her by our own people. But a war is upon us; and while it continues, it must be prosecuted with vigor, and men of all parties must co-operate, by united counsels and common

efforts, to bring the struggle to a speedy and honorable termination."

He has opposed the acquisition of Mexican territory under all circumstances, whether as territory conquered, or purchased, or obtained under the guise of indemnity for expenses of the war; and he has insisted upon the incumbent duty of Congress to declare what were the purposes and objects for which the war was waged. He resisted the idea that such declarations would be inconsistent with the honor of the country, and her high position before the world.

"There were many examples," he said, "both in ancient and in modern times, which were applicable to the existing state of our affairs. Without multiplying citations, he would call the attention of gentlemen to one of the leading events in modern history. He referred to the contest of England and her allies against the conquering ambition of France, and which resulted in the overthrow of the dominion of Napoleon. After the close of the memorable campaign of 1813, in which, at the great battle of Leipsic, the French army was utterly routed, and its leader driven with his shattered forces within the limits of the French territory, England and her allies, being then completely victorious, could dictate their own terms to the vanquished warrior. Yet, in a speech from the throne, made in London in November of the same year, it was declared that England entertained no disposition to exact sacrifices from France which were inconsistent with her national honor and all her just pretensions, and that no such requirements should present an obstacle to a general peace in Europe.

"The British Parliament responded to the speech; and, after the French forces were driven into France, and before the allies entered on the French soil, they put forth a manifesto expressive of their desire that France should remain powerful and happy, and especially disavowing all purpose of conquering any portion of territory legitimately pertaining to that kingdom. If to the pride of England and of all Europe in arms, when invading a country they had subdued, it did not appear to be against their honor to make such a declaration, could it be inconsistent with the honor of the United States, and the dignified position they occupied before the nations of the world, for them, in like manner, after all their triumphs, to declare that they waged the

war, not to dismember Mexico, but to obtain their just dues, establish their true boundary, and secure their national rights against future aggression? Such a declaration would carry with it a mighty moral influence: it would unite our people in the war; it would quiet the fears of those who were now inclined to suspect and to fear the results of the contest."

Carrying out these views, he offered a declaratory resolution "that the war with Mexico shall be prosecuted, not with a view to conquest or to dismember the territory of Mexico, as recognized by us *ante bellum*, but to establish a just line of boundary, and to secure an honorable adjustment of all pending differences." He contended that "we already possessed as much territory as we ought to desire; enough for every rational and enlightened purpose; enough for ourselves and the generations which are to come after us; enough to gratify even the extravagance of national pride and ambition."

And, when giving his vote in favor of the Wilmot Proviso, he said:

"Slavery having been extended over the Louisiana and Florida purchase, and, finally, over Texas, the free states have pronounced, 'Thus far and no farther!' We insist that this common government of ours shall not be employed to spread slavery over territory now free; that human bondage shall not be carried into other lands under our national flag; and that our armies shall not go forth under the colors of freedom as the propagandists of slavery. That, sir, is the lofty attitude and the inalienable purpose of the North. In this there is no abolitionism to justify the incessant denunciations that have been heard. Gentlemen seem to deceive themselves by neglecting a distinction too obvious to be overlooked. We aim, not to *abolish*, but to *preserve*. Where slavery exists, we leave it untouched; where freedom prevails, we demand that you shall not abolish it. While gentlemen denounce the abolition of slavery as treasonable and criminal, I hope they will indulge us if we protest against the abolition of freedom in California, New Mexico, and Chihuahua.

"Mr. Hunt here expressed his surprise at the remarkable language of the gentleman from Pennsylvania (Mr. C. J. Ingersoll). I am speaking of the opposition to slavery and its extension which exists in the Northern states. He said it was 'a mere

sentiment held by men, without reason and without argument; nothing but a sentiment, and not a very wholesome sentiment either.' It is difficult to characterize an expression like this, coming from the representative of a free state, without transcending the limits of parliamentary order. 'A sentiment!' Yes, sir, 'a sentiment!' It is a sentiment which the Almighty has implanted deeply in the human heart, and no earthly power can eradicate it. It may be insulted, and overborne, and trampled in the earth, but, thank God, it can never be extinguished. The fires of martyrdom have been kindled often to subdue it, but in vain; it has seemed to expire on many a battle field, but only to revive with new energy and beauty. It is the spirit of liberty, which is inherent in the soul of man. It is the sentiment which has inspired the friends of freedom in every age. Why, sir, it was 'a sentiment' which impelled the Pilgrims to encounter the perils of the ocean, and the privations of a life in the wilderness, to establish freedom of conscience, and secure civil liberty for themselves and their posterity. The American Revolution was the offspring of a sentiment; the right of man to self-government is a sentiment. Let the gentleman sneer; it is a sentiment as eternal as the throne of Divine Justice from which it emanates. It may never warm the heart of that gentleman; he may speak of it in tones of levity and ridicule; but, fortunately, a general truth is not weakened by individual exceptions."

At an early day in the present session, Mr. Hunt gave notice of his intention to introduce the following joint resolution, which, on the 7th of January, was introduced accordingly by him, and was passed unanimously (excepting only one negative voice):

"*Joint Resolution expressive of the thanks of Congress to Major-general Winfield Scott and the troops under his command, for their distinguished gallantry and good conduct in the campaign of* 1847.

"*Resolved unanimously by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the thanks of Congress be, and they are hereby presented to Winfield Scott, major general commanding in chief the army in Mexico, and, through him, to the officers and men of the regular and volunteer corps under him, for their uniform

gallantry and good conduct, conspicuously displayed at the siege and capture of the city of Vera Cruz and castle of San Juan d'Ulloa, March 29, 1847, and in the successive battles of Cerro Gordo, April 18th, Contreras, San Antonio, and Churubusco, August 19th and 20th, and for the victories achieved in front of the city of Mexico, September 8th, 11th, 12th, and 13th, and the capture of the metropolis, September 14th, 1847, in which the Mexican troops, greatly superior in numbers, and with every advantage of position, were, in every conflict, signally defeated by the American arms.

"*Resolved*, That the President of the United States be, and he is hereby requested to cause to be struck a gold medal, with devices emblematical of the series of brilliant victories achieved by the army, and presented to Major-general Winfield Scott, as a testimony of the high sense entertained by Congress of his valor, skill, and judicious conduct in the memorable campaign of 1847.

"*Resolved*, That the President of the United States be requested to cause the foregoing resolutions to be communicated to Major-general Scott in such terms as he may deem best calculated to give effect to the objects thereof."

The several propositions introduced into Congress for the relief of the Irish people under their recent terrible visitation, have been made matter of some controversy. The first movement was made by Mr. Hunt. On the 10th of February, 1847, in pursuance of notice previously given, he introduced, by leave of the House, the following bill, which was read twice by its title, and referred to the Committee of the Whole on the State of the Union:

"*A Bill for the Relief of Ireland.*

"*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the Secretary of the Treasury be authorized and directed to expend the sum of five hundred thousand dollars in the purchase of articles of subsistence for the people of Ireland, now suffering from famine, and in paying the cost of transporting such articles to proper agents in Ireland, for gratuitous distribution; and that said sum be paid out of any money in the treasury not otherwise appropriated."

The reference of the bill, under the one hundred and thirtieth rule, which requires that "all proceedings touching appropriations of money shall be first discussed in a committee of the whole House," was sooner or later unavoidable. It is, in fact, little better than a burial of the dead to give to any measure that direction, unless it has strong claims upon the favorable consideration of the House. It is worse, if possible, than placing a resolution among the business on the speaker's *table*—which Mr. Adams once designated as the "Limbo of Vanity and Paradise of Fools"—so little chance is there of any thing that goes there being ever heard of again. At a subsequent period, Mr. Hunt made an earnest effort to bring the House to its consideration, but failed.

On the 26th of the same month, Mr. Crittenden, in the Senate, pursuant to previous notice, introduced the following bill:

"*A Bill to provide some Relief for the suffering People of Ireland and Scotland.*

"*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the President of the United States be, and he is hereby authorized to cause to be purchased such provisions as he may deem suitable and proper, and to cause the same to be transported and tendered, in the name of the government of the United States to that of Great Britain, for the relief of the people of Ireland and Scotland, suffering from the great calamity of scarcity and famine.

"*And be it further enacted*, That the sum of five hundred thousand dollars be, and the same is hereby appropriated, out of any money in the treasury not otherwise appropriated, to carry into effect this act.

"*And be it further enacted*, That the President of the United States be, and he is hereby authorized, at his discretion, to employ any of the public ships of the United States for the transportation of the provisions to be purchased as aforesaid."

The phraseology was subsequently modified by Mr. Crittenden, on the suggestion of Mr. Webster, so as to make the act a tender in the name of the *people* of the United States to the *people* of Ireland and Scotland, and not of one *government* to the other.

The bill was met by some objections both as to constitutionality and expediency, but was read a first and second time, and was eloquently advocated by Mr. Crittenden, Mr. Cass, and Mr. John M. Clayton. On the following day it was passed, Mr. Hannegan, Mr. Webster, and Mr. Dayton appealing to the Senate in its behalf, and answering objections which were raised by Mr. Butler, Mr. Westcott, Mr. Mason, Mr. Niles, and Mr. Bagby. The vote stood twenty-seven in the affirmative and thirteen in the negative.

On the 1st of March (the intervening day having been Sunday), the bill was taken up in the House, and had its first and second reading in the usual way. A motion was made by Mr. George W. Jones, of Tennessee, that it be laid upon the table, but the House rejected the motion by a vote of eighty-four against seventy-four.

The Congressional Globe says:

"Mr. Levin moved that the said bill be referred to the Committee of Ways and Means, with the following instructions:

"'Whereas the proposed relief for Ireland can not even apply an emollient to the evil, and is designed to afford *food* for party vultures to feed upon rather than bread for the starving people of Ireland:

"'And whereas *the people* of the United States *themselves* are contributing in the most liberal manner to afford that aid which the Congress of the United States can not constitutionally grant:

"'And whereas there are thousands of *American poor* who are excluded from the benefit of American alms-houses and poor-houses because of the influx of foreign paupers and criminals who now fill them to overflowing:

"'And whereas *the American poor* have claims upon the American government *equal* to those in a foreign land; therefore,

"'*Be it enacted*, That the like sum of five hundred thousand dollars be, and the same is hereby appropriated, out of any moneys in the treasury not otherwise appropriated, for the purchase of fuel and flour for the benefit of such American poor as may be found in a state of distress; and the President of the United States is hereby directed to distribute the same in such manner and in such proportion as he may deem expedient.'

"The speaker decided that the motion to refer, with these instructions, was not in order.

"Mr. Levin appealed from this decision, and the question being put, 'Shall the decision of the chair stand as the judgment of the House?' it was decided in the affirmative.

"Mr. Carroll moved that the bill be referred to the Committee of Ways and Means, with instructions to report the same forthwith.

"*Mr. Washington Hunt** moved to commit the bill to a Committee of the Whole on the State of the Union, and make it the special order of the day for two o'clock this day, and moved the previous question.

"The speaker ruled the motion out of order.

"Several points of order and inquiries were here made, after which

"The speaker said he had decided the motion of Mr. Hunt to refer the bill to the Committee of the Whole on the State of the Union out of order, as the motion to refer to the Committee of Ways and Means took precedence. This was an erroneous decision; the motion to commit to a Committee of the Whole on the State of the Union took precedence of all other motions to refer, and the question would, accordingly, be first put on Mr. Hunt's motion.

"*Mr. Boyd* inquired what would be the effect of the previous question, if seconded.

"The speaker said it would bring the House to a direct vote on committing the bill to the Committee of the Whole on the State of the Union.

"The previous question was seconded, and the main question ordered, namely, 'Shall the bill be committed to a Committee of the Whole on the State of the Union?'

"It was decided in the negative, yeas 69, nays 107.

"The question recurred on referring the bill to the Committee of Ways and Means, the previous question still operating.

"Mr. Carroll inquired if the question on the amendment to the motion to refer to the Committee of Ways and Means, namely, 'with instructions to report the bill forthwith,' was not to be put.

"The chair stated it was not, as Mr. Carroll had withdrawn it.

* This motion is erroneously assigned on the journal to Mr. Boyd, of Kentucky.

"Mr. Carroll said he had only withdrawn it that the motion to refer to the Committee of the Whole on the State of the Union might be put.

"The question was stated on agreeing to the motion to refer the bill to the Committee of Ways and Means, and, being put, it was decided in the affirmative.

"So the said bill was referred to the Committee of Ways and Means."

On the following day Mr. Carroll moved that the rules be suspended, to enable him to offer a resolution instructing the Committee of Ways and Means to report the bill back to the House forthwith. This motion was ruled out of order.

The next day—the last of the session—Mr. Winthrop submitted a motion, which is thus recorded in the "Congressional Globe:"

"Mr. Winthrop said that, having in vain endeavored to get any action on the bill in the Committee of Ways and Means, he would move a suspension of the rules for the purpose of enabling him to move a resolution instructing the Committee of Ways and Means to report the bill for the relief of Ireland, which motion was decided in the negative, yeas 57, nays 102.

"Mr. Carroll inquired of the chairman of the committee (Mr. M'Kay) whether the Committee of Ways and Means had *acted* on the bill for the relief of the sufferers in Ireland and Scotland."

No answer to this inquiry is recorded. The bill never again saw the light of day. Nevertheless, some of the good people of the Emerald Isle, with a facility of mistake which is said to be characteristic, seized hold of the idea that the teeming aid poured forth in one continuous stream from the generous hearts of our people, was the fruit of the very bill thus suddenly deprived of vitality. The tokens of admiration and gratitude with which they hailed the "Half Million Bill" have been neither few nor cold.

Mr. Hunt was elected President of the Whig State Convention of New York which assembled at Syracuse in October last, to nominate officers to serve under the new State Constitution. Having been conducted to the chair by Messrs. Patterson and Crawford, he addressed the Convention as follows:

"GENTLEMEN,—I am deeply sensible of the distinguished

honor you have conferred upon me by electing me to preside over your deliberations. In return for this proof of your confidence, I must ask you to accept my sincere and grateful acknowledgments. I can promise no more than an honest endeavor to discharge the duties of the chair, relying less upon my own ability than upon your kind indulgence and support.

"We are convened, gentlemen, on an occasion of striking novelty and interest. The people are about to exercise a great power for the first time, and whether it shall be exercised wisely for the public weal must, in a large degree, depend on the result of your action. The last year has been an eventful and memorable period in the political history of our state.

"This great commonwealth, in the exercise of that sovereign power which resides in the body of the people, has established for itself a new constitution of government. The evils and abuses which experience had disclosed in our former system have been discarded and done away; the popular basis upon which our institutions rest has been made broader and deeper, and our public agents have been reduced to a more direct dependence upon the people. These great changes have been produced without violence, anarchy, or confusion, but by the deliberate action of the public will, expressed through peaceful and constitutional modes. Perhaps no spectacle presents a higher degree of moral grandeur than that of a community of freemen framing for themselves and their posterity a system of government, defining by a written code the limits of delegated authority, and protecting by fixed barriers the landmarks of civil and religious liberty. Nothing can afford a more admirable illustration of the character of our institutions and the enlightened patriotism of our people.

"There is no feature in our new Constitution which created more serious apprehensions in intelligent minds than the plan of an elective judiciary. But those apprehensions, so honestly entertained by many, seem to have been gradually dispelled. It is believed that the people have shown themselves competent to the safe exercise of this delicate responsibility. We have seen our old courts displaced by new tribunals by a process so easy as to be scarcely perceptible, without the slightest shock to established interests, leaving all our rights of person and property in full and undisturbed security. It may be affirmed

that our new judiciary possesses the confidence and respect of the community in as full a degree as the system which it superseded.

"It now remains for us to lend our aid in carrying out that other prominent feature of our new Constitution, which restores to the people the choice of that large class of administrative officers who have heretofore been appointed through the intermediate agency of the executive or legislative department. In this, as in most human affairs, the success of the system may depend on the first step. Our responsibility is much enhanced by the moral certainty that the nominations to be made by this Convention will receive the ratification of the people. Let it be our aim to select 'new men' of tried capacity and fidelity—men in whose hands the public will be willing to intrust the administration of the important provisions of our new Constitution.

"The duties devolved upon us relate exclusively to state interests. Yet, in the present condition of our country, it is impossible for Whigs, assembled together as we are, to forget the obligations which rest upon them as members of that great national party in which are centered all our hopes for the peace, prosperity, and deliverance of the nation. In the unfortunate struggle of 1844, we feared the most serious calamities would result in the overthrow of the Whig cause. It may be doubted, however, if any one conceived the full weight and extent of the evils which were to be visited upon the country. At this moment our country is pouring out the blood of its bravest sons in a war commenced by the executive without the sanction of Congress—a war for conquest and slavery.

"Our government has established a financial system hostile to the business interests, and a commercial system fatal to many branches of the industry of the country, inflicting upon the people the worst burdens of misgovernment, without affording that protection and support which was the first object of our glorious Constitution. If there were no other incentive, a sense of these evils, which press so heavily upon us, should be sufficient to arouse the Whig party to new vigor and more efficient action. More than this: we find a higher incentive in the bright prospect now presented for the triumphant establishment of Whig principles and policy in our national councils.

"In conclusion, gentlemen, I will express my ardent hope that your proceedings may be characterized by a spirit of union and harmony, and that your deliberations may tend to elevate our state still higher in its proud career of greatness, and civilization, and of true glory."

Mr. Hunt has been placed by the present speaker of the House at the head of the Committee on Commerce.

In our observation of his general political course, we have found the views of Mr. Hunt on public affairs extremely liberal, and such as give earnest of a sincere desire to promote the welfare of his country. We believe this to be his reputation in Congress. The navy, the army—and especially that department of the latter which is embraced in the West Point Academy—are indebted to his patriotism and his friendship for good service in their behalf. In his language or deportment he is never violent or personal. He is incapable of retaining a resentment, and too honorable a man not to do justice to the conduct and motives of others. His bearing toward friends and opponents is that of a highly courteous gentleman. His characteristic amenity is never lost sight of, even under the impulses and excitements incident to political or controversial debate. He has little need, therefore, of resort to "personal explanations," that the sober second thought of the morning may correct the unmeasured license of the previous evening. Indeed, we think something is due to him for material service rendered in casting ridicule on public displays of this description, and thus conducing to their abolishment. When a new and vast field of patronage, growing out of the "supplies" of men and money voted for the Mexican war, was laid open to the executive, rumor was more than once rife with the names of representatives said to be disappointed aspirants for his favor and countenance:

"Fama malum quo nunc non est velocius ullum."

Personal explanations became more *especially* an order of the day; and Mr. Hunt, never having enjoyed a felicity of the kind, asked leave to make one. It was this:

"When members strike for higher wages,
And claim more pay and rations,
They damn themselves for future ages
Beyond all *pers'nal explanations.*"

The House received the rhythm in good temper, nothing disconcerted by the pains and penalties it provided.

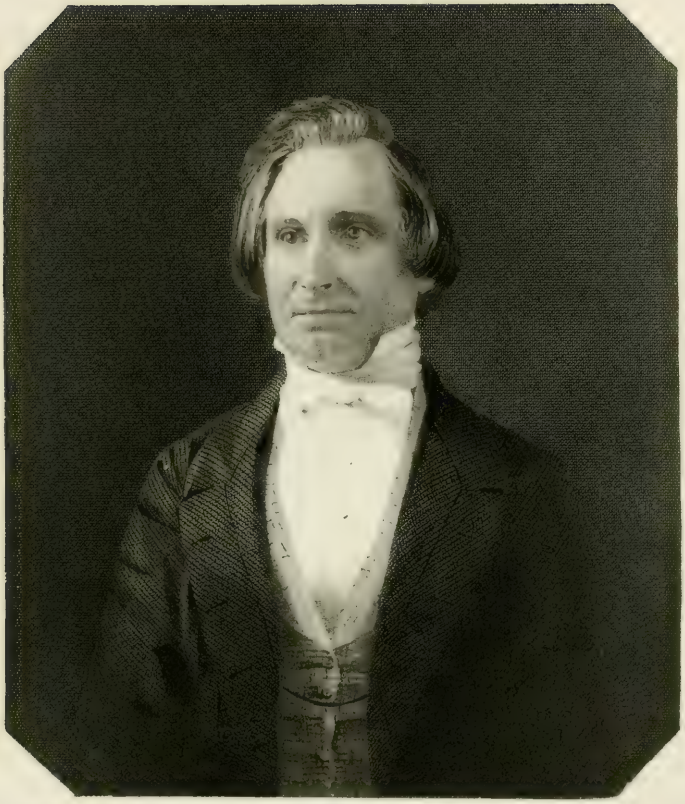
In private life, no man has warmer or more devoted friends. Their attachments are founded on a knowledge of the manly attributes of his character, his integrity, and the uniform exhibitions of a kindly temper and a generous heart. Those who know him best, esteem him most.

SIMS, ALEXANDER DROMGOOLE.

THIS gentleman represents the fourth Congressional District of South Carolina, commonly known as the Darlington District, which comprises the judicial districts of Chesterfield, Marlborough, Darlington, Marion, Horry, Georgetown, and Williamsburg. He was born on the 12th of June, 1803, in the county of Brunswick, Virginia. His father, Doctor Richard Sims, was a native of Granville county, North Carolina, though descended from a family which settled more than a century ago in Hanover county, Virginia. His mother, whose maiden name was Rebecca Dromgoole, daughter of the late Reverend Edward Dromgoole, and eldest sister of the late representative in Congress, George C. Dromgoole, was a native of Brunswick county, Virginia. Her father came from Ireland; her mother, whose maiden name was Walton, descended from George Walton and Rebecca Roe, who settled at or near Williamsburg, Virginia, more than one hundred and fifty years ago.

Mr. Sims has four sisters and one brother living. A younger brother, the Reverend Edward D. Sims, an accomplished scholar and divine, and at the time of his decease Professor of English Literature in the University of Alabama, died in the spring of 1845.

Though the parents of Mr. Sims were in moderate circumstances, they were enabled, by economy and prudence, to afford him every opportunity for a thorough education. After the necessary preparation, at the age of sixteen he joined the freshman class in the University of North Carolina, at Chapel Hill, where he continued the assiduous prosecution of his studies until near the close of the first session in his junior year, standing among the first in his class. At this time he left the University and entered Union College, New York—attracted there, perhaps, as much by the high character of Doctor Nott as any other consideration—where he took his first degree at Com-



A. D. Sims.

mencement in 1823. No honors were conferred at the close of the respective sessions upon individuals in the classes at Union College—as was the custom at the University of North Carolina—so as to mark distinctly the relative merit of the various members of the classes; but in the reports made by the faculty for the information of parents and guardians, Mr. Sims invariably received high commendation.

After the close of his collegiate course, he read law with General Dromgoole, in Brunswick county, Virginia, and was admitted to practice. For a year or two he attended the courts of Brunswick, Mecklenburg, and Greensville; but, finding his business inadequate to his necessities, and the bar in that part of Virginia crowded with able and experienced practitioners, he removed, in the year 1826, to South Carolina, and settled at Darlington Court-house. In the year following he took charge of the academy at that place, and continued to teach for several years. The school, under his management, was large and prosperous, and its patrons expressed much gratification with the conduct and the progress of the pupils. He was thought to possess great aptitude for imparting instruction, as well as eminent skill in school discipline.

He took advantage of this period of his life to extend his scientific and literary knowledge, and to make a thorough and complete review of his entire collegiate course; but he also continued his study of the law, and in December, 1829, was admitted to practice in the courts of South Carolina. In 1830 he commenced his professional career, and soon met with very reasonable encouragement. His business continued to improve, and both in the Circuit and in the Court of Appeals, the dockets attest his success. He was soon enabled to meet, from the profits of his profession, not only his current expenses, but also to discharge his debts in Virginia, which, at the time of his removal, he was unable to pay, and to lay up a competency for himself and family. At the time of entering into public life, he was among the leading lawyers on his circuit, and in full practice. In every branch of his profession, as advocate, solicitor, or attorney, he had his full share of business.

He is represented from early youth to have been fond of politics, and to have devoted himself much to that kind of reading and study adapted to the duties of a statesman. The necessity

which compelled him to attend to his private means, prevented him from entering very early into public life; but he was always a firm and decided politician, with fixed principles and a ready opinion. During the period of the Nullification strifes in South Carolina, he was active and decided, though not a candidate for any office. When General Jackson's "proclamation" reached the village of Darlington, Mr. Sims was at the post-office. He read it publicly to the assembled multitude, and, before he had completed the reading, he, together with thirty or forty others, had enrolled their names as volunteers, to be at the service of Governor Hayne at any moment, to assist in defending the state against "Federal aggression, and the threatened heresies of the President's proclamation." On the same evening he drafted resolutions, which were unanimously adopted by a large public meeting, readily assembled under the existing circumstances of the times. These are believed to have been the first resolutions in condemnation of that state paper which were ever adopted in the country. They are as follows:

"Whereas we believe the government of the United States is limited in its powers by the Constitution, and that the substitution of Federal discretion in the place of such constitutional limitations is subversive of all the reserved rights of the states:

"And whereas we believe the Federal Union was intended to link the states together in the bonds of peace and amity, by fraternal feelings and congenial sympathies, and not by force:

"And whereas we believe that in no emergency can the general government employ force to control or subdue the regularly constituted government of the states, but that the employment of the military for such purposes would be in open conflict with the character and genius of our institutions, destructive of constitutional liberty, and inevitably subversive of the union of these states. Above all, because we believe the states are sovereign, and not corporations, or counties, in a vast consolidated empire, and, as such, not rightfully subject to be driven from their course by the simple edict of a tyrant, drunk with power and unmerited popularity, much less to be crushed in the exercise of their legitimate rights by the unholy power of a flattered usurper or imbecile despot. Therefore,

"*Resolved*, That we have received with mingled feelings of

regret, abhorrence, and detestation, the proclamation of the President of the United States touching the ordinance of the people of South Carolina, published in convention on the 24th day of November, 1832.

"*Resolved*, That we consider the views of the chief magistrate of the United States, as expressed in the aforesaid proclamation, as characterized by every mark that can define a tyrant.

"*Resolved*, That the intention expressed in the same to resort to force for the purpose of coercing the obedience of South Carolina, evinces a recklessness of the restraints imposed by the Constitution, and a disregard of the peace, harmony, and safety of the Union.

"*Resolved*, That we believe that the first drop of blood shed in this controversy will render reconciliation of the unhappy differences which exist between this government and that of the United States forever impracticable.

"*Resolved*, That, living in an age and a country where controversies in regard to the powers of government are settled by the arbitrament of an enlightened public opinion and a spirit of mutual concession, not by brute force and lawless violence, we have confidence in the good sense and love of liberty, at all times, upon great occasions, manifested by the people of the United States, that they will repudiate and *put down* the unconstitutional and tyrannical doctrines promulgated in the proclamation of the President.

"*Resolved*, That we still approve of the high and magnanimous course of South Carolina, and of her talented and patriotic sons who are guiding her destinies."

It was not, however, until the year 1840 that Mr. Sims entered public life. In that year, by an overwhelming vote, he was returned a member to the General Assembly for Darlington, in which service he remained until elected to Congress in the fall of 1844. While in the Legislature he was an active and useful member, never absent from his committees, and ready at all times to take part in the public discussions of the House. He served on various important committees, and was the author of several useful measures which were adopted by the Legislature. Others, also, he introduced, which he regarded as highly important to the interests of the state, but which were not adopted. One measure, in particular, he urged more

than once on the consideration of the House, and which he considered of great importance. In the State of South Carolina, lands are subject to levy, and sale, and execution, exactly as personal chattels. In a bill, the details of which he had taken great pains to mature, Mr. Sims proposed to exempt a part of the landed estate of every citizen with a family from sale under execution, so as to leave a homestead and small farm for the family. By this measure, he proposed not only to find a shelter for the women and children against the contingencies and misfortunes of life, but also to counteract the effect of the pre-emption system of the general government, and the low price of the public lands, in drawing off the population of the state. He urged the measure both by an able report and speeches, and though it failed, yet he made many proselytes to it. Governor Hammond, in his annual message to the Legislature of 1844, recommended the adoption of that, or some similar system.

Mr. Sims took his seat in the national Legislature as a member of the twenty-ninth Congress. Perhaps at no period of our history have our foreign relations been more complicated, or has a deeper anxiety been manifested in the public mind as to the course of policy which might be adopted, than at the first session of that Congress. We trust we shall have done something, before the close of our labors, to give a concise view of the difficulties of the times as then existing, and to place in an intelligible form before the country the results of the deliberations of its representatives. In the discussion of all the important topics of the day, as well as of other matters of a less prominent character, Mr. Sims took an active part. In politics he is a Democrat, and he claims never to have changed or wavered in his faith.

When the bill to provide for the establishment of the Smithsonian Institution for the increase and diffusion of knowledge among men was under consideration in the House, he opposed it, and expressed the opinion that the money ought to be restored to the British Chancery. Much had been said in praise of the munificent and splendid liberality of James Smithson. It had been said that, animated by a spirit of benevolence to his race, he had made his will, constituting the government of the United States his trustee to carry out his intentions,

and that he had dedicated to the noble purpose of the increase and diffusion of knowledge among men an entire estate under its management. Disclaiming any intention to speak in terms of reproach of one who slept under the sod, Mr. Sims could only see in the will of Mr. Smithson what he had seen in the wills of many other men. After having griped, through their lives, every shilling that came into their hands, animated at last by some posthumous vanity, they sought to build up a name which should live after them; and such, rather than any feeling for humanity, so much lauded, was the motive that guided them. In the present case, he saw abundant evidence of this disposition in the appointment of the government of the United States as a trustee to carry out this splendid vanity. He thought that our government was not instituted for any such purpose as the administration of charities. He believed there was no grant of power in the Constitution admitting such an exercise. And as there was no such power, as this fund was still under our control, and as the trust had not been executed, he thought it became Congress to retrace the errors it had already committed. The fund might then be restored to England, and devoted there to purposes similar to those which had been contemplated in the City of Washington. The only difference would be in its locality.

Perhaps a brief notice of this eccentric gentleman may be acceptable to many of our readers.

"Smithson," says Professor Henry, "was born in England in the year 1768. He was educated at the University of Oxford, was a man of amiable disposition, and devoted to science. He was the best chemist in Oxford, and, after his graduation, became the rival of Wollaston in minute analysis, and possessed most extraordinary skill in manipulation. The following anecdote to the point was related on the authority of the late President of the Royal Society:

"On one occasion he observed a tear trickling down the face of a lady. He caught it on a piece of glass, lost one half, analyzed the other half, and discovered a microscopic salt. He resided most of the time abroad, and was an illegitimate son of the Duke of Northumberland, who recognized him, and left him a handsome property. He was the author of upward of twenty original memoirs on various subjects of science. He

appears to have been proud of his scientific attainments, and on one occasion wrote thus: 'The best blood of England flows in my veins: on my father's side I am a Northumberland; on my mother's, I am related to kings. But this is of no consequence. My name shall live in the memory of mankind when the titles of the Northumberlands and Percys are forgotten.'

"Smithson died at Genoa in the year 1829, leaving his property to his nephew, the son of his brother, with a clause in his will leaving it in trust of the United States, for founding an institution for the increase and diffusion of knowledge among men, in case the nephew died without issue. He did so die, and the money, about $500,000, came into possession of our government."

Mr. Sims has voted against appropriations for harbors and rivers, because he denies the existence of any constitutional power which authorizes them.

He voted against the notice for the termination of the joint occupancy of the Oregon Territory—not that he thought it inexpedient or improper that the notice should be given; on the contrary, he believed the interest and honor of the country, the preservation of its peace, and the preservation of the territory itself, alike demanded such a measure. But it was a matter, in his opinion, belonging clearly to the treaty-making power, and not to the Legislature. Still, he thought that the House might, as an advisory act, say to the executive, "If you so conduct the important matters committed to you as to continue this convention, it will or will not be wise and prudent; and if you abrogate it, it will or will not be acceptable, in our opinion, to those whom we represent."

As to our claim to the territory, he contended that if the question had been a new one—what lawyers denominated *res integra*—we would have had the best title up to fifty-four degrees forty minutes. But it was not *res integra;* it was, in some respects, *res adjudicata;* and though there might be no tribunal to enforce decisions on nations, yet a decent respect to the opinion of mankind required fairness and justice in their practice and intercourse. England had enjoyed in that territory equal privileges with ourselves, and we had, in some sort, recognized the existence of her rights by solemn treaty. On repeated occasions we had offered to divide the territory on the

forty-ninth degree of latitude; south of that line, he believed, the people whom he represented would never consent to surrender one foot; but, in reference to all that had been done, he thought *that* a fair line of compromise, and if that line should be offered by Great Britain, he thought the President would be bound to accept it.

He believes the Mexican war to be just and necessary, and he is in favor of its prosecution until such time as indemnity for injuries sustained and for the expenses of the war shall have been made, and until our boundary to the Rio Grande and a suitable line from thence to the Pacific shall have been acknowledged. He thinks that the executive government of the United States had a constitutional right to do—and was, in fact, bound, under the high obligations of duty, to do—every thing which it has done. He has co-operated heartily with the administration in all measures touching the war, not excluding the proposition for the appointment of a lieutenant-general. He regretted that Congress did not think proper to respond to the recommendation of the President in this respect. But he thinks that, in point of fact, the President is already invested with the direct authority to make such appointment, under the sixty-second article of war, which declares that "if, upon marches, guards, or in quarters, different corps of the army shall happen to join, or do duty together, the officer highest in rank of the line of the army, marine corps, or militia, by commission there, on duty, or in quarters, shall command the whole, and give orders for what is needful to the service, *unless otherwise especially directed by the President of the United States*, according to the nature of the case."

The opinions of Mr. Sims on the subject of slavery are of the ultra Southern school. He thinks that no man who reads the Bible, and who is a Christian either in theory or in practice, can denounce slavery as immoral; and he believes that every foot of territory which we may permanently occupy south of thirty-six degrees thirty minutes will be slave territory. When this opinion was expressed by him in the House, the following colloquy took place:

"Mr. Burt, of South Carolina, desired to ask his colleague whether he had expressed the opinion that the country conquered from Mexico south of thirty-six degrees thirty minutes

would be occupied with the slave institutions, in consequence of the state of public opinion in the Northern, Western, and Middle States, or whether it was in consequence of the known determination of the Southern people that their institutions shall be carried into that country, if it be acquired.

"Mr. Sims. 'It is founded on the known determination of the Southern people that their institutions shall be carried there; it is founded on the laws of God, written on the climate and soil of the country; nothing but slave labor can cultivate profitably that region of country. I have no idea that the North or the West will resist to the death. The Union will never be dissolved on that question.'

"Mr. Bradford R. Wood, of New York, here interposed, and protested against the gentleman answering either for the North or for God.

"Mr. Sims. 'I answer for God, because His opinion is written in His revealed Word. I can speak authoritatively on that point. I do not believe that, on the slave question or any other question, the child is born in this country who shall witness a dissolution of this Union. I have no idea of the thing. Politicians may arise and flourish, and they will perish beneath the scorn and contempt of the large masses of the honest and well-thinking people in every portion of this Union, who shall attempt to subvert the institutions and government of their country. I repeat, that the child is not born who shall witness a dissolution of the Union on any question that has been suggested.'"

Among the more local matters to which he has directed his attention, we note propositions introduced by him to erect a light-house on South Island, on the southern edge of Winyaw Entrance; and one at Blythe's, or Waite's Point, at the confluence of Sawpit with Winyaw Bay, South Carolina; also for surveys to be made of the bar at Winyaw Entrance, and of the waters of Winyaw Bay; and a proposition to place buoys in Winyate Channel, leading to the port of Georgetown, South Carolina.

He avows great confidence in the people, and is said to enjoy great popularity in his own district. He knows that he is sometimes called a demagogue; but the respect he shows to the people he declares to be rather the result of his political

opinions, and of his sense of the duty which a public servant owes to his constituents, than of those notions which ordinarily influence the conduct of the demagogue. Though eminently successful in his career, he nevertheless, as we have shown, had his difficulties to surmount, in rising from obscurity to public distinction, in a community where he had neither the advantages of wealth, nor relations or family connections to sustain him. But his industry and equable temper overcame all these difficulties. Many anecdotes are told of his pleasantry and good-humor in the conduct of his popular canvasses.

He published, in 1833, a pamphlet on Slavery, being a vindication of the morality of the institution. It is considered a well-written and strong defense of the system. In 1842 he published a popular novel, called "Bevil Faulcon," in one volume, the incidents of which were taken from the period of the Revolution. He has occasionally been in the habit, since he first settled at Darlington, of furnishing political essays to the public journals. Among his most admired literary productions is the oration delivered by him in Marlborough District, South Carolina, on the death of the late John Campbell.

Mr. Sims was married in the fall of 1830 to Margaret Dargan, daughter of Timothy Dargan, of Darlington, many years a member of the State Legislature. She died in 1844, leaving him with one child.

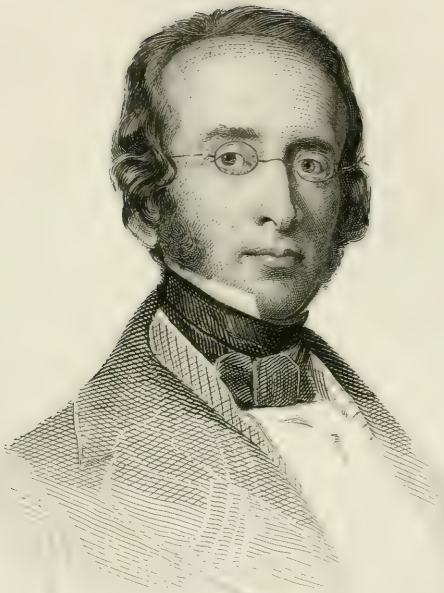
During his service in Congress he has been a member of the Committee on the District of Columbia; and it is known to us that, during the last Congress, most of the law cases which came under the cognizance of that committee were referred to him for examination and report.

He opposed, on constitutional grounds, the retrocession of the town and county of Alexandria to the State of Virginia. He believed that Congress had no power, after once having accepted a cession of the ten miles' square, to legislate on the subject, either of retroceding a part or all, or accepting another ten miles' square. He believed the power expired with its original exercise.

WINTHROP, ROBERT CHARLES (Speaker).

THE fame of Massachusetts—that ancient commonwealth, "whose soil was drenched to a mire by the first and best blood of the Revolution"—has suffered, with the lapse of years, no disparagement in the character of those whom she has chosen to represent her in the Congress of the nation. Look upon her, reader! she is still the same. Cast your eye upon the white locks and the bent form of that great and venerable man, to whom his younger colleagues look up with filial affection! Behold in him the honored head of a delegation which, through all the phases of party change and political commotion, has presented a solid column of enlightened intelligence and manly patriotism! Of him we shall speak hereafter.

Our present concern is with the representative of the first Congressional District of the state, Robert C. Winthrop. Our own observation has impressed us with a high opinion of his character and attainments. While connected more immediately with the politics of Massachusetts, he stood pre-eminently high. No man of his age has held a more desirable position at home, and no man ever more completely justified the confidence of his friends. Independent of his hereditary claims to the respect and affection of his own commonwealth, he has wrought out for himself, by his fidelity to the trust reposed in him, and by his steady progress in every qualification for the highest statesmanship, a place in their regard second to none. To sustain this declaration, we may cite the fact that the only occasion upon which his friends have ever had an opportunity to test the strength of his hold upon the popular heart was during his recent canvass. A few citizens of Boston, some of them holding prominent social positions, and having no slight pretension to intellectual distinction, attempted to supplant him on the ground of his vote in favor of the Mexican War Bill. So entirely, however, had the public sentiment toward Mr.



Robt C. Winthrop.

Winthrop been misjudged by them, that, although they had that which, in Massachusetts, was emphatically the popular side of the question, the result of their arraignment against him was to give him the largest majority ever cast, we believe, by the same constituency for any candidate in a contested election. George T. Curtis, of Boston, referring to the relation in which Mr. Winthrop stands to the people of that city, says:

"A Boston boy, nurtured at one of the darling public institutions of this town, passing thence to our own Harvard College, where his career was distinguished for early discretion of character as well as for eminent talent, and coming from the University, through the study of the law, almost at once into public life, he has been from his earliest youth an object of the public regard, as a person of high qualifications for the public service. In his talents, his cultivation, his correctness of principle, his uniform adherence to a true public policy, and his capacity to judge rightly and speak eloquently upon public affairs, he has been all his life a representative of the people among whom he was born—of their institutions, and of the spirit of their whole condition. To these characteristics, there have been added, in his case, the associations which gather about a name interwoven forever with our history and our glory. Nor has he ever disappointed one of the expectations that have fondly centered upon him, until, in this middle period of his life, in an hour of that misapprehension or misrepresentation to which all public men are exposed, he has had charges laid at his door which aim at his integrity of purpose and consistency of character."

We shall refer to these charges in another page.

In the preparation of this memoir, we did not enjoy the advantage of personal access to Mr. Winthrop, owing to his absence in Europe, and we have, therefore, been compelled to gather scraps and fragments for our history as chance might throw them in our way. We find that he was born in the city of Boston, on the 12th day of May, 1809. He is the direct descendant of John Winthrop, who led out the Massachusetts colony in 1630, and who was its first governor. Speaking of some of the scenes through which that infant colony passed, Bancroft, in his History of the United States, says:

"At the court, convened for the purpose of appointing officers

who would emigrate, John Winthrop, a man approved for piety, liberality, and wisdom, was chosen governor, and the whole board of assistants selected for America. Yet, as the hour of departure drew near, the consciousness of danger spread such terrors, that even the hearts of the strong began to fail. One and another of the magistrates declined. It became necessary to hold a court at Southampton for the election of three substitutes among the assistants, and of these three, one never went. Even after they had embarked, a court was held on board the Arabella, and Thomas Dudley was chosen deputy-governor in the place of Humphrey, who stayed behind. Dudley emigrated, and had hardly reached America before he repented that he had come; the country had been described in too favorable colors. It was principally the calm decision of Winthrop which sustained the courage of his companions.

"The whole number of ships employed during the season was seventeen, and they carried over not far from fifteen hundred souls. About eight hundred, all of them Puritans, inclined to the party of the Independents, many of them men of high endowments, large fortune, and the best education, scholars well versed in all the learning of the times, clergymen who ranked among the most eloquent and pious in the realm, embarked with Winthrop for their asylum, bearing with them the charter which was to be the basis of their liberties. Religion did not expel the feelings of nature; before leaving Yarmouth, they published to the world the grounds of their removal, and bade an affectionate farewell to the Church of England and to the land of their nativity. 'Our hearts,' say they, 'shall be fountains of tears for your everlasting welfare when we shall be in our poor cottages in the wilderness.'

"The emigrants were a body of sincere believers, desiring purity of religion, and not a colony of philosophers, bent upon universal toleration; reverence for the peculiarities of their faith led them to a land which was either sterile, or overgrown with unprofitable vegetation. They emigrated to a new hemisphere, where distance might protect them from imposition; to a soil of which they had purchased the exclusive possession with a charter of which they had acquired the entire control, for the sake of reducing to practice the doctrines of religion and the forms of civil liberty which they cherished more than life

itself. They constituted a corporation to which they themselves might establish at their pleasure the terms of admission. They held in their own hands the key to their asylum, and maintained their right of closing its doors against the enemies of its harmony and its safety.

"In June and July, the ships which bore Winthrop and his immediate companions arrived to a scene of gloom; such of the earlier emigrants as had survived the previous winter were poor and weak from sickness; their corn and bread were hardly enough for a fortnight's supply. Instead of offering a welcome, they thronged to the new comers to be fed. Nearly two hundred servants, who had been sent over at a great expense, received their liberty, free from all engagements; their labor, such was the excessive scarcity, was worth less than the cost of their maintenance.

"The selection of places for the new plantations became the immediate care. The bay and the adjoining rivers were examined; if Charlestown was the place of the first sojourning, it was not long before the fires of civilization, never more to be quenched, were kindled in Boston and the adjacent villages. The dispersion of the company was esteemed a grievance; but no time was left for long deliberation, and those who had health began to build. Yet sickness delayed the progress of the work, and death often withdrew the laborer from the fruit of his exertions. Every hardship was encountered. The emigrants lodged at best in tents of cloth and in miserable hovels; they beheld their friends weekly, yea, almost daily, drop away before their eyes; in a country abounding in secret fountains, they perished for the want of good water. Many of them had been accustomed to plenty and ease, the refinements of cultivated life, and the conveniences of luxury. Woman was there to struggle against unforeseen hardships, unwonted sorrows; the men, who defied trials for themselves, were miserable at beholding those whom they cherished dismayed by the horrors which encompassed them. The virtues of Arabella Johnson, a daughter of the house of Lincoln, could not break through the gloomy shadow that surrounded her; and as she had been ill before her arrival, grief soon hurried her to the grave. Her husband, one of the first men in the colony, zealous for pure religion, in life 'the greatest furtherer of the plantation, and by his bequests a

benefactor of the infant state, was subdued by the force of disease and afflictions; but he died willingly and in sweet peace, 'making a most godly end.' Winthrop lost a son, though not by disease. A hundred or more, some of them of the board of assistants, men who had enjoyed high consideration, and had been revered with confidence as the inseparable companions of the common misery or the common success, disheartened by the scenes of woe, and dreading famine and death, deserted Massachusetts and sailed for England. Before December, two hundred, at the least, had died. Yet, as the brightest lightnings are kindled in the darkest clouds, the general distress did but augment the piety and confirm the fortitude of the colonists. Their enthusiasm was softened by the mildest sympathy with suffering humanity, while a sincere religious faith kept guard against despondency and weakness. Not a hurried line, not a trace of repining, appears in their records; the congregations always assembled at the stated times, whether in the open fields or under the shade of an ancient tree; in the midst of want, they abounded in hope; in the solitudes of the wilderness, they believed themselves in company with the greatest, the most beneficent of Beings. Honor is due not less to those who perished than to those who survived; to the martyrs, the hour of death was an hour of triumph, such as is never witnessed in more tranquil seasons, just as there can be no gorgeous sunset but when the vapors of evening gather in hoary masses round the west to reflect the glories of declining day. For that placid resignation which diffuses grace round the bed of sickness, and makes death too serene for sorrow and too beautiful for fear, no one was more remarkable than the daughter of Thomas Sharp, whose youth and sex, and, as it seemed, unequaled virtues, won the warmest eulogies of the austere Dudley. Even children caught the spirit of the place; and in their last hours, awoke to the awful mystery of the impending change, awaited its approach in the tranquil confidence of faith, and went to the grave full of immortality. The survivors bore all things meekly, 'remembering the end of their coming hither.' 'We here enjoy God and Jesus Christ,' wrote Winthrop to his wife, whom pregnancy had detained in England, 'and is not this enough? I thank God I like so well to be here as I do not repent my coming. I would not have altered my course though I had

foreseen all these afflictions. I never had more content of mind.'"

The son of John Winthrop was the Governor of Connecticut. Of him the same writer says:

"The colonies of Plymouth, of Hartford, and New Haven, not less than of Rhode Island, proclaimed the new king, and acted in his name; and the rising republic on the Connecticut [A.D. 1660] appeared in London by its representative, the younger Winthrop, who went, as it were, between the mangled limbs of his father-in-law, to insure the welfare of his fellow-exiles in the West. They had purchased their lands of the assigns of the Earl of Warwick, and from Uncas they had bought the territory of the Mohegans, and the news of the Restoration awakened a desire for a patent. But the little colony proceeded warily: they had drafted among themselves the instrument which they desired the king to ratify; and they could plead for their possessions their rights by purchase, by conquest from the Pequods, and by their own labor, which had redeemed the wilderness. A letter was also addressed from Connecticut to the aged Lord Say and Seal, the early friend of the emigrants, and now, on the Restoration, while it was yet the royal policy to conciliate the Presbyterians, a favored officer of the crown. By the memory of past benefits and the promise of grateful regard, they request his influence to obtain for them a guarantee for their liberties.

"The venerable man, too aged for active exertion, secured for his clients the kind offices of the lord-chamberlain, the Earl of Manchester, a man 'of an obliging temper, universally beloved, being of a virtuous and generous mind. Indeed, he was a noble and a worthy lord, and one that loved the godly. He and Lord Say did join together, that their godly friends in New England might enjoy their just rights and liberties.'

"But the chief happiness of Connecticut was in the selection of its agent. In the younger Winthrop, the qualities of human excellence were mingled in such happy proportions, that, while he always wore an air of contentment, no enterprise in which he engaged seemed too lofty for his powers. Even as a child he had been the pride of his father's house; he had received the best instruction which Cambridge and Dublin could afford, and had perfected his education by visiting, in part at least, in the

public service, not Holland and France only, in the days of Prince Maurice and Richelieu, but Venice and Constantinople. From boyhood his manners had been spotless, and the purity of his soul added luster and beauty to the gifts of nature and industry. As he traveled through Europe, he sought the society of men eminent for learning. Returning to England in the bloom of life, with every promise of preferment which genius, gentleness of temper, and influence at court could inspire, he preferred to follow his father to the New World, regarding 'diversities of countries but as so many inns,' alike conducting to 'the journey's end.' When his father, the father of Massachusetts, became impoverished by his expenses in planting the colony, the pious son, unsolicited and without recompense, relinquished his large inheritance that 'it might be spent in furthering the great work' in Massachusetts; himself, single-handed and without wealth, engaged in the enterprise of planting Connecticut. Care for posterity seemed the motive to his actions. His vast and elevated mind had, moreover, that largeness, that he respected learning, and virtue, and genius, in whatever sect they might be found. No narrow bigotry limited his affections or his esteem; and when Quakers had become the objects of persecution, he was earnest and unremitting in argument and entreaty to prevent the effusion of blood. Master over his own mind, he never regretted the brilliant prospects he had resigned, nor complained of the comparative solitude of New London: a large library furnished employment to his mind; the study of nature, according to the principles of the philosophy of Bacon, was his delight, for 'he had a gift in understanding and art,' and his home was endeared by a happy marriage and many sweet children. His knowledge of human nature was as remarkable as his virtues. He never attempted impracticable things; but, understanding the springs of action and the principles that control affairs, he calmly and noiselessly succeeded in all that he undertook. The New World was full of his praises; Puritans, and Quakers, and the freemen of Rhode Island were alike his eulogists; the Dutch at New York, not less than all New England, had confidence in his integrity; Clarendon and Milton, Newton and Robert Boyle, became his correspondents. If he had faults, they are forgotten. In history, he appears, by unanimous testimony from early life, without a

blemish, and it is the beautiful testimony of his own father that 'God gave him favor in the eyes of all with whom he had to do.' In his interview with Charles the Second, there is reason to believe, he was able to inspire that naturally benevolent monarch with curiosity; perhaps he amused him with accounts of Indian warfare, and descriptions of the marvels of a virgin world. A favorable recollection of Charles the First, who had been a friend to his father's father, and who gave to his family an hereditary claim on the Stuarts, was effectually revived. His personal merits, sympathy for his family, his exertions, the petition of the colony, and, as I believe, the real good-will of Clarendon—for we must not reject all faith in generous feeling—easily prevailed to obtain for Connecticut an ample patent. The courtiers of King Charles, who themselves had an eye to possessions in America, suggested no limitations; and perhaps it was believed that Connecticut would serve to balance the power of Massachusetts."

Besides his remote ancestry, the father of Mr. Winthrop was for many years the highly-respected lieutenant-governor of Massachusetts. After being educated partly in private and partly in the public common schools of Boston, Robert C. was graduated at Harvard University in the year 1828, among the three or four first scholars. He studied law with Daniel Webster; but, soon after coming to the bar in 1831, was diverted to public life, and abandoned all professional practice. In 1834 or 1835 he was elected a member of the House of Representatives of Massachusetts. He remained in that body for six years, during the last three of which he was Speaker of the House—a station which he filled with dignity and distinction, and in which he acquired the highest estimation of the people of his state. In familiarity with parliamentary rules, and in courtesy of demeanor, combined with a prompt and vigorous administration of the duties of the chair, few men, it is said, exhibited a higher degree of fitness for presiding over a deliberative assembly.

In the autumn of 1840 he was elected to Congress, to take the place of Abbott Lawrence, whose health compelled him to resign his seat. From that time to the present he has been a member of the House, with the exception of an interval of three months during the long session of 1842, when he resigned his seat in consequence of domestic calamity. During that inter-

val his place was filled by Nathan Appleton. He was married in 1832, but has been a widower for upward of five years.

He has taken a prominent part in the important debates and proceedings of the House of Representatives. As a public speaker, we class him in the most elevated rank of either branch of Congress. The evidence of his power as a debater may be found in the respectful and, not unfrequently, the rapt attention with which he is regarded when he speaks. His style of oratory is graceful and impressive, ranging, when occasion demands, into the highest order of fervid eloquence. Under its controlling influence, we have often seen the perturbed spirit of the House hushed into profound stillness; as, for instance, when, in one of his speeches on the Mexican war, he said:

"Sir, I cherish no feelings of ill will toward Texas. Now that she is a member of our Union, I would speak of her in the terms which belong to the intercourse of sister states. But I can not fail to speak plainly in regard to the unconstitutional act of her annexation, and the disastrous consequences which have thus far attended it. Who forgets the glowing terms in which the addition of that lone star to our American constellation was heralded? How much of prosperity and of peace, of protection to our labor and defense to our land, was augured from it? Who now can reflect on its consequences as already developed; who can think of the deep wound which, in the judgment of many, it has inflicted on our Constitution; of the alienations and heart-burnings which it has produced among different members of the Union; of the fearful lookings-for of disunion which it has excited; of the treasure it has cost, and the precious lives it has wasted in the war now in progress; of the poison it has, in so many ways, mingled with the previously healthy current of our national career, without being reminded of another lone star which 'fell from heaven, burning as it were a lamp, and it fell upon the third part of the rivers, and upon the fountains of waters, and the name of the star is called wormwood, and the third part of the waters became wormwood, and many men died of the waters, because they were bitter?'"

And again:

"Sir, it is not to be denied that something of distrust is useful in relation to all human governments, and more especially in relation to our own government; but it is equally undeniable that some degree of confidence, that a great deal of confidence, is not only useful, but absolutely indispensable to the successful operation of every government, and even to the very existence of a free government. It is true, our institutions are not based on a theory of human perfectibility, but they *are* based on a theory of human morality, integrity, and virtue. This is the distinctive feature of free governments. It was laid down truly by Montesquieu, long ago, that the foundation principle of a despotism was fear; of monarchy, honor; but of a republic, *virtue*. There must be public virtue as well as private virtue—virtue in the government as well as virtue among the people. The two things are, in fact, inseparable for any long period of time; for a virtuous people will either expel a corrupt administration, or a corrupt administration will debauch a virtuous people. If virtue, therefore, shall indeed have taken its final flight from our public councils and from those who preside over them, as this report would almost seem to intimate, vain, vain will be the attempt to bolster up

our political fabric by any mere artificial machinery, or to prevent its downfall by any degree of distrustful vigilance. Sir, if such be really the deplorable and desperate condition of our Republic, the passage of this resolution will do nothing to save it from ruin, nor will the adoption of the exchequer plan be at all responsible for its overthrow. It will fall by its own weakness and its own weight, like any other structure whose corner-stone has already crumbled into dust.

"But I do not apprehend so disastrous a catastrophe at present. I freely admit that we have had no great encouragement to cherish any very implicit trust in our rulers for some years past. Within the last year, even, we have seen demonstrations and heard declarations but too well calculated to check the flow, if not entirely to congeal the current, of that tide of returning confidence which came out to greet the accession of a new administration. But I am not willing to believe that the age of virtuous politics is gone forever. I trust that we may again see at the head of this Republic men like those who have stood there in its early days; men like those we have seen there in years within our own remembrance; men who will feel, in entering upon public office, that they have been called to no pitiful job, but to a sacred function; men who may be addressed in the words, though certainly not in the spirit, in which Macbeth was addressed by—the demi-demon, I had almost said, with whom his destiny was associated:

> "'What thou wouldst highly, that wouldst thou holily;
> Art not without ambition; but without
> The illness should attend it.'

And, sir, if such a day should again arrive, how would the petty and paltry contentions which imbitter and embroil us here, and in the prosecution of which the true interests of the nation are so often forgotten and neglected, be hushed into silence! How would the public prosperity revive, the public peace be restored, the confidence of the people in the government be reassured, and the public faith resume again, in the eyes of all the world, that robe of stainless and inviolate sanctity with which it was first clothed by the fathers of the Republic!"

One more extract:

"If it be a fit subject for reproach to entertain the most anxious and ardent desire for the peace of this country, its peace with England, its peace with all the world, I submit myself willingly to the fullest measure of that reproach. War between the United States and Great Britain for Oregon! Sir, there is something in this idea too monstrous to be entertained for a moment. The two greatest nations on the globe, with more territorial possessions than they know what to do with already, and bound together by so many ties of kindred, and language, and commercial interest, going to war for a piece of barren earth! Why, it would put back the cause of civilization a whole century, and would be enough not merely to call down the rebuke of men, but the curse of God. I do not yield to the honorable gentleman in a just concern for the national honor. I am ready to maintain that honor, whenever it is really at stake, against Great Britain as readily as against any other nation. Indeed, if war is to come upon us, I am quite willing that it should be war with a first-rate power—with a foeman worthy of our steel.

> "'Oh! the blood more stirs
> To rouse the lion than to start the hare.'

If the young Queen of England were the veritable Victoria whom the ancient poets have sometimes described as descending from the right hand of Jupiter to crown the banner of predestined Triumph, I would still not shrink from the attempt to vindicate the rights of my country on every proper occasion. To her

forces, however, as well as to ours, may come the '*cita mors*' as well as the '*Victoria læta.*' We have nothing to fear from a protracted war with any nation, though our want of preparation might give us the worst of it in the first encounter. We are all and always ready for war, when there is no other alternative for maintaining our country's honor. We are all and always ready for any war into which a Christian man, in a civilized land, and in this age of the world, can have the face to enter. But I thank God that there are very few such cases. War and honor are fast getting to have less and less to do with each other. The highest honor of any country is to preserve *peace*, even under provocations which might justify war. The deepest disgrace to any country is to plunge into war under circumstances which leave the honorable alternative of peace. I heartily hope and trust, sir, that, in deference to the sense of the civilized world—in deference to that spirit of Christianity which is now spreading its benign and healing influences over both hemispheres with such signal rapidity, we shall explore the whole field of diplomacy, and exhaust every art of negotiation, before we give loose to that passion for conflict which the honorable gentleman from Pennsylvania seems to regard as so grand and glorious an element of the American character."

When the twenty-seventh Congress assembled, the financial concerns of the government were in a state of confusion and embarrassment. The Compromise Act was about reaching its final consummation. The experiment which it proposed of a uniform twenty per cent. *ad valorem* system was about to commence, and it was yet extremely uncertain what the financial policy of the government would be. In this state of things, he introduced a resolution instructing the Committee on Commerce to inquire into the expediency of providing, either by a select committee of Congress sitting in the recess, or by a special commission appointed by the Secretary of the Treasury, for taking evidence at the principal ports of entry and elsewhere as to the operation of the then existing system and rates of duty on imports, upon the manufacturing, commercial, and agricultural interests of the country. The Committee on Commerce, through its chairman, made a unanimous report, concluding with a resolution providing for the appointment of a select committee of nine members, not more than one of whom should be from any one state, for the purposes indicated. The resolution, after some debate, was adopted by the House, but the vote was immediately reconsidered, and the resolution was finally, by a small majority, laid upon the table.

At the session of 1842–3, the question for the first time was presented of the imprisonment of colored seamen from Massachusetts in the Southern States. It appeared that in the large number of Massachusett vessels accustomed to touch at the

Southern ports of the Union, it was frequently necessary to employ free persons of color; that it often happened that at the ports of Charleston, Savannah, Mobile, and New Orleans, these persons were taken from the vessels to which they belonged, thrown into prison, and there detained at their own expense. Upward of one hundred and fifty citizens of Boston, many of them deeply interested in commerce and navigation, and others eminently distinguished in legal, scientific, or literary pursuits, memorialized Congress, asking that relief might be granted to them, and that the privileges of citizenship, secured by the Constitution of the United States, might be rendered effectual in their behalf. The subject was referred to the Committee on Commerce, who made a report through Mr. Winthrop.

He treated it in a calm and dispassionate manner, without reference to those topics of agitation and excitement which so often prevent a fair consideration of controversies between the North and the South. A year or two afterward, we may remark, the law gave occasion to a discussion in the Legislature of South Carolina, and, after an animated debate, it was repealed by one branch of that body, but the other branch declined to concur.

The committee maintained that the acts complained of by the memorialists were violations of the privileges of citizenship secured by the Constitution. "The Constitution of the United States," says the report, "expressly provides [art. 4, sect. 2] 'that citizens of each state shall be entitled to all privileges and immunities of citizens in the several states." Now it is well understood that some of the states of this Union recognize no distinction of color in relation to citizenship. Their citizens are all free, their freemen all citizens. In Massachusetts, certainly—the state from which this memorial emanates—the colored man has enjoyed the full and equal privileges of citizenship since the last remnant of slavery was abolished within her borders by the Constitution of 1780, nine years before the adoption of the Constitution of the United States. The Constitution of the United States, therefore, at its adoption, found the colored man of Massachusetts a citizen of Massachusetts, and entitled him, as such, to all the privileges and immunities of a citizen in the several states. And of these privileges and immunities, the acts set forth in the memorial constitute a plain and palpable violation.

"It matters not to this argument, in the opinion of the committee, what may be the precise interpretation given to this clause of the Constitution. However extended or however limited may be the privileges and immunities which it secures, the citizens of each state are entitled to them equally, without discrimination of color or condition; and unless it is maintained that the citizens of Massachusetts generally may be made subject to seizure and imprisonment for entering these Southern ports in the prosecution of their rightful business, whenever the Legislatures of South Carolina, or Louisiana, or Alabama, or Georgia may see fit to enact laws to that effect, it is impossible to perceive upon what principle the acts in question can be reconciled with this constitutional provision.

"The state laws under which these acts are committed are also, in the judgment of the committee, in direct contravention of another provision of the Constitution of the United States. The Constitution of the United States gives the power to Congress 'to regulate commerce with foreign nations and among the several states.' This power is, from its very nature, a paramount and exclusive power, and has always been so considered and so construed. There is no analogy between this power of regulating commerce and most of the other powers which have been granted to the general government. The power to *regulate* admits of no partition. It excludes the idea of all concurrent, as well as of all conflicting action. It can be exercised but by one authority. Regulation may be as much disturbed and deranged by restraining what is designed to be left free, as by licensing what is designed to be restrained. The grant necessarily carries with it the control of the whole subject, leaving nothing in reference to it for the states to act upon. But it is too obvious to require, or even bear, an argument, that the laws in question, imposing severe penalties, as they do, upon certain classes of seamen for entering certain ports, are infringements, by the states in which they have been enacted, upon this exclusive authority of the general government.

"Nor can the states which have enacted these laws escape, in the judgment of the committee, from the charge of having violated still another provision of the Federal Constitution. The sixth article of that instrument declares that 'all treaties

made, or which shall be made, under the authority of the United States, shall be a part of the supreme law of the land.' But the provisions of the laws in question, wherever they are applicable to the crews of foreign vessels, are in direct conflict with most, if not with all of the commercial treaties which have been made by the United States with foreign nations. Certainly, no treaty of commerce between the United States and any other nation is known to the committee, which contains any restrictions as to the color of the crews by which that commerce is to be carried on.

"It seems to be understood that the application of these laws to foreign vessels has of late years been suspended. This consideration, however, if true, can not make the laws themselves less obnoxious to constitutional objections, still less can it render them more acceptable to our own citizens. The idea that foreign seamen are treated with greater clemency in our own ports than native American seamen, can only serve, on the contrary, to increase the impatience and aggravate the odium with which such laws are justly regarded."

Considering these laws in the light of police regulations, the committee "deny that provisions like these can be brought within the legitimate purview of the police power. That American or foreign seamen, charged with no crime, and infected with no contagion, should be searched for on board the vessels to which they belong; should be seized while in the discharge of their duties, or, it may be, while asleep in their berths; should be dragged on shore and incarcerated, without any other examination than an examination of their skins; and should be rendered liable, in certain contingencies over which they may have no possible control, to be subjected to the ignominy and agony of the lash, and even to the infinitely more ignominious and agonizing fate of being sold into slavery for life, and all for purposes of *police*, is an idea too monstrous to be entertained for a moment. It would seem almost a mockery to allude to the subject of police regulations in connection with such acts of violence."

The report finally recommended the adoption of the following resolutions:

"*Resolved*, That the seizure and imprisonment in any port of this Union of free colored seamen, citizens of any of the

states, and against whom there is no charge but that of entering said port in the prosecution of their rightful business, is a violation of the privileges of citizenship guaranteed by the second section of the fourth article of the Constitution of the United States.

"*Resolved*, That the seizure and imprisonment in any port of this Union of free colored seamen, on board of foreign vessels, against whom there is no charge but that of entering said port in the course of their lawful business, is a breach of the comity of nations, is incompatible with the rights of all nations in amity with the United States, and, in relation to nations with whom the United States have formed commercial conventions, is a violation of the sixth article of the Federal Constitution, which declares that treaties are a part of the supreme law of the land.

"*Resolved*, That any state laws by which certain classes of seamen are prohibited from entering certain ports of this Union, in the prosecution of their rightful business, are in contravention of the paramount and exclusive power of the general government to regulate commerce.

"*Resolved*, That the police power of the states can justify no enactments or regulations which are in direct, positive, and permanent conflict with express provisions or fundamental principles of the national compact."

The report was called up by Mr. Winthrop on the first opportunity, but at too late a period in the session, which was a short one, to admit of discussion. He merely, therefore, asked for a vote on the resolutions. A motion was made by Cave Johnson, the present Post-master General, that the subject be laid on the table, and the House in that manner disposed of it.

It is well known that the existence of a law of this kind in the State of South Carolina gave occasion, upward of twenty years ago, to a formal remonstrance to the government of the United States on the part of the government of Great Britain, as being in direct conflict with the treaty-rights stipulated to British commerce. The constitutionality of the law was denied by William Wirt, when Attorney General of the United States. The question was submitted to him by the then Secretary of State, John Q. Adams, "whether it was compatible with the rights of nations in amity with the United States, or

with the national Constitution?" To this interrogatory, Mr. Wirt, after briefly assigning his reasons, replied, "I am of opinion that the third section of the law under consideration is void, as being against the Constitution, treaties, and laws of the United States, and incompatible with the rights of all nations in amity with the United States." At a subsequent period, in 1831, John Macpherson Berrien, then Attorney General of the United States, gave a different opinion. "I think," he said, "that such an act of legislation is, under the circumstances which I have supposed, a justifiable exercise of the reserved powers of that state, and ought to have effect; that Congress is under a constitutional obligation to respect it in the formation of treaties and in the enactment of laws; and that those who are called to interpret their acts are equally bound so to construe them as to restrain the generality of their expressions within the limits of this obligation." We should add, that out of the difficulty arising under this law with Great Britain grew that celebrated opinion of Judge William Johnson, of the United States Court, delivered in Charleston in the year 1823, which has for some years past been so often referred to and commented upon during the debates on certain topics in the House of Representatives. [See title, ISAAC E. HOLMES.]

The speech of Mr. Winthrop on the standing order of the House, commonly known, during its existence, as the twenty-first rule, is among the ablest arguments, both in a constitutional and parliamentary view, to be found on the Northern side of the question. In the notice which we shall hereafter present of Mr. Adams, it will become our duty to place in an intelligible form before the public the whole policy of the House in relation to petitions touching the abolition of slavery. We merely refer to it now, that, as we pass along, we may place on record the general views which have governed the votes of Mr. Winthrop. He says:

"The idea that the right of petition does not imply the right of having a petition received; the doctrine that the right of the people to apply to the government for redress of grievances does not involve any obligation on the part of the government to heed, or even hear, that application; the position which has been seriously maintained here, that all that was ever intended by the right of petition was the right of individuals or of assem-

blies to prepare and sign a paper, setting forth the grievances under which they are suffering, and the redress which they seek; and that it was no part of that intention to secure to that paper any consideration or entertainment whatever from those to whom it is addressed—these doctrines seem to me about as reasonable as it would be to contend that the privilege of the writ of *habeas corpus* implies no obligation on the part of the officer to whom it is directed to regard or obey the writ, and no duty on the part of the government to execute or enforce it, but is only designed to secure to an imprisoned citizen the satisfaction of having the writ itself duly signed and attested, to amuse himself with in his solitary confinement, to meditate upon by day, or to put under his pillow to dream upon by night. They seem to me about as reasonable as it would be to maintain that the freedom of the press extends only to the freedom of the mechanical enginery of the press; that it was only intended to secure the rights of individual printers to compose, set up, and strike off such matter as might be agreeable to them, but that it does not reach to the privilege of publishing or circulating that matter after it is stricken off! In a word, Mr. Speaker, if the right of petition is really nothing more than it has been represented to be by some of the honorable members who have preceded me in this debate, it is, in my judgment, as poor a pretense, as miserable a mockery, as empty, and unmeaning, and worthless an abstraction, as was ever dignified by a swelling name or a high-sounding title; and the sooner it is expunged from the roll of civil liberty, the sooner it ceases to hold out to the ear a promise only to be broken to the hope, the sooner will the people understand what rights they really do possess."

And again:

"Mr. Speaker, we ask for these petitions only that you will treat them as you treat other petitions. We set up for them no absurd or extravagant pretensions; we claim for them no exclusive or engrossing attention. We desire only that you will adopt no proscriptive and passionate course in regard to them. We demand only that you will allow them to go through the same orderly round of reception, reference, and report with all other petitions. When they have gone through that round, they will be just as much under your own control as they were before they entered on it.

"I heartily hope, sir, this course is now about to be adopted. I hope it as an advocate of the right of petition; I hope it as a Northern man with Northern principles, if you please to term me so; but I hope it not less as an American citizen with American principles; as a friend to the Constitution and the Union; as one who is as little disposed to interfere with any rights of other states, as to surrender any rights of his own state; as one who, though he may see provisions of the Constitution which are odious in principle and unjust in practice—provisions which he would gladly have had omitted at the outset, and gladly see altered now, if such an alteration were practicable—is yet willing to stand by our Constitution as it is, our Union as it is, our territory as it is. I do honestly believe that the course of this House in relation to these petitions has done more than all other causes combined to bring the Constitution into disregard and the Union into danger. Other causes have, indeed, co-operated with this cause. Your arbitrary and oppressive state laws for imprisoning our free colored seamen in the Southern ports; your abhorrent proposals to annex Texas to the Union, in violation of the compromises of the Constitution—yes, sir, of those very compromises on which Adams and Hancock met Jefferson and Madison (to use language which was employed in casting reproach upon the resolutions of Massachusetts which were recently presented here)—these laws and these proposals have unquestionably co-operated of late with the denial of the right of petition in exciting in some quarters a spirit of discontent with our existing system. But this rule of the House has been the original spring of the whole feeling; and to what advantage on the part of those by whom it was devised? Have Southern institutions been any safer since its establishment? Have the enemies to those institutions been rendered any less ardent or less active by it? Has agitation on the subject of slavery in this hall been repressed or allayed by it? Have these petitions and resolutions been diminished in number under its operation and influence? No, sir; the very reverse, the precise opposite of all this has been the result. The attempt of this House to suppress and silence all utterance on the subject of slavery in this hall, has terminated as did the attempt of one of the kings of ancient Judah to suppress the warnings of the prophet of God. The prophet, we are told, took another roll,

and wrote on it all the words which the king had burned in the fire, and 'there were added besides unto them many like words.' And this always has been, and always will be, the brief history of every effort to silence free inquiry and stifle free discussion. I thank Heaven that it is so. It is this interest and inextinguishable elasticity of opinion, of conscience, of inquiry, which, like the great agent of modern art, gains only new force, fresh vigor, redoubled powers of progress and propulsion by every degree of compulsion and restraint; it is this to which the world owes all the liberty it has yet acquired, and to which it will owe all that is yet in store for it. Well did John Milton exclaim, in his noble defense of unlicensed printing, 'Give me the liberty to know, to utter, and to argue freely, above all liberties;' for, in securing that, we secure the all-sufficient instrument for achieving all other liberties."

The early and consistent opposition manifested by Mr. Winthrop to the annexation of Texas is matter of notoriety. On the 14th of March, 1844, when rumors were rife that a treaty would soon be sent in by Mr. Tyler for the ratification of the Senate, and when Isaac E. Holmes, of South Carolina, alluded to annexation, for the first time in debate, as the settled policy of the government, Mr. Winthrop thus remonstrated:

"The remark," he said, "seemed to have been made partly in jest, partly in earnest; yet there were some subjects that were too solemn in their character, and too momentous in the consequences they involved, to be even thus adverted to without eliciting the most serious feeling. He alluded to the idea thrown out by the gentleman that this institution [*i. e.*, the West Point Academy] ought to be sustained, because the annexation of Texas was the settled policy of this government. Who settled it? Not, he would undertake to say, not the people, nor the representatives of the people. *They* knew nothing about it, though he believed there were others who *did* know. He feared that there was something serious in this matter. He was almost afraid that the gentleman from South Carolina intended to try the temper of the House and the country by throwing out the idea, as he (Mr. Winthrop) had said, half in jest, half in earnest; and the gentleman from Ohio (Mr. Weller) had commented upon it, not exactly in the terms which he (Mr. Winthrop) would like to have heard from a represent-

ative of that state. He believed that there was no little danger that the people of the country were about to be taken by surprise on this subject of the annexation of Texas; he believed that that momentous project, which, in his judgment, would endanger the stability of the Union, and which was utterly abhorrent to the feelings of the people in his section of country, was at this moment in a train of secret and stealthy negotiation. He hoped that a call would be made upon the executive for information.

"Mr. Black rose to a question of relevancy, which gave rise to a brief conversation.

"Mr. Winthrop said he should have concluded what he had to say by this time if the gentleman had not interposed. He had stated his fears; he had stated what, in his opinion, it was the duty of this House to do; and he would now only add, in answer to the argument of the gentleman from South Carolina, that if he (Mr. Winthrop) believed that the continued existence and prosperity of this academy was to encourage the government to plunge the country into a war with Mexico by persisting in the annexation of Texas, he would this instant give his vote to level it to the ground."

On the following day he endeavored to introduce a resolution declaring that no proposition for the annexation of Texas to the United States ought to be made, or assented to, by this government, but the House would not receive it.

His opposition to the mode by which the project was finally accomplished—namely, by joint resolution—is equally well known. When Charles J. Ingersoll, at that time chairman of the Committee on Foreign Relations, reported the joint resolution for the annexation of Texas, Mr. Winthrop said:

"He held the doctrines contained in the report to be in violation of the Constitution, and laws, and rights of the states; and he believed, if carried into execution, they were eminently calculated to involve the country in an unjust and dishonorable war. He also held them to be particularly objectionable on the question of slavery."

On a subsequent day, January 6th, 1845, he summed up an elaborate argument with these positions:

"I am against annexation now and always, because I believe it to be clearly unconstitutional in substance; because it

will break up the balance of our system, violate the compromises of the Constitution, and endanger the permanence of our Union; and, above all, because I am uncompromisingly opposed to the extension of domestic slavery, or to the addition of another inch of slaveholding territory to this nation."

That policy, however, once consummated, every vestige of opposition ceased, and he has accorded to Texas and her interests as willing an ear and as liberal a hand as if she had been one of the original sisterhood. His rule of conduct toward her is well embodied in the sentiment given by him at Faneuil Hall on the 4th of July, 1845:

"OUR COUNTRY: bounded by *the St. John's and the Sabine*, or however otherwise bounded or described, and be the measurements more or less, *still our country*—to be cherished in all our hearts, to be defended by all our hands."

This toast was given at a dinner at Faneuil Hall, which immediately followed the city oration of the 4th of July, wherein some ultraisms and extravagances had been advocated upon the subject of the military and naval defenses of the country.

Mr. Winthrop was among the foremost of those members of both branches of Congress who, in the Oregon controversy, boldly stood forth to stem the current of that popular feeling which seemed to have set in irresistibly toward war with England. [See title, STEPHEN A. DOUGLAS.] His efforts at three successive sessions can not fail to be remembered and appreciated by all sincere friends of peace. He was conscious of the reproaches to which, unfortunately, every public man in our country is subjected who dares to take the side of peace; and, in one of his speeches, he thus regards them:

"I am perfectly aware, Mr. Speaker, that, express the views which I entertain when I may, I shall not escape reproach and imputation from some quarters of the House. I know that there are those by whom the slightest syllable of dissent from the extreme views which the administration would seem recently to have adopted, will be eagerly seized upon as evidence of a want of what *they* call patriotism and American spirit. I spurn all such imputations in advance. I spurn the notion that patriotism can only be manifested by plunging the nation into war, or that the love of one's own country can only be measured by one's hatred to any other country. Sir, the American

spirit that is wanted at the present moment, wanted for our highest honor, wanted for our dearest interests, is that which dares to confront the mad impulses of a superficial popular sentiment, and to appeal to the sober second thoughts of moral and intelligent men. Every schoolboy can declaim about honor and war, the British lion and the American eagle; and it is a vice of our nature, that the calmest of us have heartstrings which may vibrate for a moment even to such vulgar touches. But (thanks to the institutions of education and religion which our fathers founded) the great mass of the American people have also an intelligence and a moral sense which will sooner or later respond to appeals of a higher and nobler sort, if we will only have the firmness to make them."

The principle upon which the whole of his action was based was this, that the American title to Oregon was the best then in existence, but that the whole character of that title was too confused and complicated to justify any arbitrary and exclusive assertions of right, and that a compromise of the question was in every way consistent with reason, interest, and honor. Entertaining these views, he introduced, on the 19th of December, 1845, the following resolutions:

"1. *Resolved*, That the differences between the United States and Great Britain on the subject of the Oregon Territory are still a subject for negotiation and compromise, and that satisfactory evidence has not yet been afforded that no compromise which the United States ought to accept can be effected.

"2. *Resolved*, That it would be a dishonor to the age in which we live, and in the highest degree discreditable to both the nations concerned, if they shall suffer themselves to be drawn into a war upon a question of no immediate or practical interest to either of them.

"3. *Resolved*, That if no other mode for the amicable adjustment of this question remains, it is due to the principles of civilization and Christianity that a resort to arbitration should be had, and that this government can not relieve itself from all responsibility which may follow the failure to settle the controversy while this result is still untried.

"4. *Resolved*, That arbitration does not necessarily involve a reference to crowned heads; and that, if a jealousy of such a

reference is entertained in any quarter, a commission of able and dispassionate citizens, either from the two countries concerned or from the world at large, offers itself as an obvious and unobjectionable alternative."

These resolutions contained the earliest distinct proposition of arbitration by civil commissioners instead of crowned heads. They received complimentary notices from many sources, domestic and foreign. *Thiers* alluded to them in the Chamber of Deputies, and *Louis Philippe* was said, in the papers of the time, to have spoken of them in terms of commendation.

That Mr. Winthrop did not escape the suspicions and imputations which he himself anticipated in the extract we have quoted, those conversant with the public concerns of that day are aware. For example, in debate in the House,

"Mr. M'Clernand alluded to the proposition of arbitration (in the form of a resolution heretofore offered by Mr. Winthrop), and spoke of its similarity to that subsequently offered by the British minister as a remarkable coincidence.

"Mr. Winthrop here rose and inquired whether the honorable member from Illinois [Mr. M'Clernand] intended to impute to him any collusion or understanding with the British minister

"Mr. M'Clernand said he did not. What he said was, that the coincidence in the views of the gentleman with those of the British minister was remarkable.

"Mr. Winthrop. 'Then, as the gentleman disclaims any offensive imputation, I desire to take this opportunity to set myself right, as this is the same remark that was made by the gentleman from Pennsylvania [Mr. C. J. Ingersoll], in his speech at the close of the Oregon debate. I desire to say, in the presence of my God, and in the presence of my country as represented by the representatives of the people here, that neither at the time I moved the resolution looking to arbitration, on the 19th of December, nor upon the day—the 3d of January—on which I made the speech advocating it, had I the slightest knowledge—*the slightest knowledge*—the slightest foundation for a belief, that a proposition of arbitration, in any form or under any circumstances, had been, or was about to be, offered by the British minister to the government of the United States. If any gentleman desires any further explanation, I am here ready to give it.'

"Mr. M'Clernand. 'I did not base my observations on any imputation of coalition or combination between the gentleman and the British minister on the question of Oregon. I spoke of the fact that the gentleman had submitted a series of resolutions, in which the proposition subsequently made by Mr. Pakenham was embodied, as a remarkable fact of coincidence. Far be it from me to impeach the patriotism of any man, unless I have satisfactory ground for the accusation. But I will say that, while the gentleman is so free to criticize the conduct of those who differ with him in political opinion, he should be careful so to comport himself as not to lay himself open to retaliation.' "

We have referred to the character of the hostility manifested toward Mr. Winthrop in his district in consequence of his vote on the Mexican War Bill. Condemning the policy, and denouncing the objects of that war, he still voted for the act, approved the 13th of May, 1846, recognizing its existence. The principal charges against him were these:

"1. That, in voting for the Mexican War Bill, he voted for a preamble which contained a false declaration as to the origin of the war, and for which, as an honest man, he had no right to vote.

"2. That, in voting for the War Bill at all, he was false to the sentiments and principles of the people of Massachusetts, who condemn the war because of its alleged origin, and the alleged purpose of its origin, viz., that it was commenced for the purpose of adding slave territory to the Union.

"3. That, in thus voting for the War Bill, he identified himself with the war, its origin, causes, and effects."

As we shall have occasion, in many parts of our history, to refer to the declaratory act of war, we avail ourselves of this opportunity to give an outline of the proceedings connected with its passage. We copy from the Congressional Globe the following record of the 11th of May:

"A message, in writing, was received from the President of the United States, by the hands of J. K. Walker, Esq., his private secretary.*

* This message called upon Congress to recognize the state of hostilities which, it asserted, then existed by the *act of Mexico*, and to authorize the President to raise volunteers, &c.

"The message, by unanimous consent, was read.

"Mr. Haralson said the correspondence was very voluminous; a large portion of it was from our minister recently at Mexico, and to read it would, perhaps, be delaying the action of the House longer than gentlemen desired. The general facts of the correspondence had been detailed in the President's message. He had referred not only to the correspondence with the minister at Mexico, but also to the correspondence between General Taylor and the department; and as the reading would take a considerable time, he (Mr. H.) moved that the message and documents be laid on the table.

"Mr. C. J. Ingersoll was understood to say he was not sure but that we knew a good deal of the correspondence between Mr. Slidell and the Mexican government, inasmuch as it had been published by that government. He did not know whether this was that correspondence or not.

"Mr. Haralson moved that the message and documents be laid on the table and printed, and he demanded the previous question.

"Mr. G. Davis suggested that at least the correspondence between General Taylor and the department should be read.

"Mr. Haralson. 'I have made my motion.'

"A conversation followed on a point of order between Mr. Schenck, Mr. G. Davis, and the speaker.

"Mr. Schenck called for the reading of the documents, which led to a point of order, and an appeal by Mr. Schenck from the decision made by the chair, which decision the House sustained.

"Mr. Delano asked the yeas and nays on the motion to lay on the table and print.

"Mr. Ashmun called for the reading of the papers.

"The speaker decided that, until the motion to lay on the table (which was a privileged motion) was withdrawn, the gentleman could not make a motion for the reading of the papers.

"Mr. Rathbun submitted that the previous question had been demanded.

"The speaker said yes; but, in addition to that, the motion to lay on the table was not debatable.

"A conversation followed on a point of order between the speaker and Mr. Winthrop.

"Mr. Winthrop asked a division of the question, which was ordered.

"The question was taken, and the papers were ordered to be laid on the table.

"The question recurring on the printing, Mr. Winthrop called for the reading.

"Objected to.

"The speaker put the question, and declared the decision of the House to be that the papers should not be read.

"Some conversation followed on a point of order between Mr. Schenck and the speaker.

"Mr. Schenck moved a reconsideration of the vote by which the reading had been refused, and asked the yeas and nays, which were ordered.

"Mr. L. H. Sims moved to lay the motion to reconsider on the table.

"Mr. Schenck asked the yeas and nays, which were ordered, and, being taken, were, yeas 116, nays 69.

"So the motion to reconsider was laid on the table.

"The question recurring on the demand for the previous question (on the motion to print), after some conversation between Messrs. Preston King, Haralson, and the speaker, Mr. Haralson (explaining that his object was, that such portions of the correspondence as might be deemed necessary should be read in Committee of the Whole on the State of the Union) moved that the papers be taken from the table and referred to that committee.

"Ordered accordingly.

"And, after some further conversation, the previous question was seconded. The main question was ordered, and the papers were ordered to be printed.

"Mr. Brodhead indicated, but did not press, a motion to print an additional number of copies.

"On motion of Mr. Haralson, the House resolved itself into Committee of the Whole on the State of the Union, and proceeded to the consideration of the following bill:

"'An act to authorize the President of the United States, under certain contingencies therein named, to accept the services of volunteers, and for other purposes.'"

Here follows the bill. It does not appear to have been pre-

pared for the particular emergency with Mexico, but rather as a sort of general provision "for all comers;" for it is declared, on the face of the bill itself, to have been reported by Mr. Haralson, from the Committee on Military Affairs, so far back as the 27th of the previous January—a time when the "clear and unquestionable title to the whole of the Oregon Territory" bloomed in all its freshness. And its first section authorized the President "to resist any attempt which may be made on the part of *any foreign nation* to exclusive jurisdiction over any part of the territory of the United States, or any territory in dispute between the United States and any foreign government, as well as also to sustain the rights of the United States to, and to repel invasion upon, the said territory," &c.

In fact, the bill, though afterward altered and made applicable to Mexico alone, was drawn up by Mr. Haralson, then chairman of the Military Committee, in conjunction with the late Colonel Archibald Yell, who fell, gallantly leading his regiment to the charge, at Buena Vista; and, as originally drawn, was intended to prepare for the worst, both as respects Great Britain and Mexico. The number of troops was left blank, and was subsequently filled up with the number of fifty thousand; but one hundred thousand would have been proposed, if thought necessary. A comparison of dates will show that the bill was reported to the House several months before the receipt of the news from General Taylor's army which led to the declaration of war. On the receipt of that news, the Military Committee were notified to attend at their room in the Capitol at half past eight o'clock the next morning, which was Sunday. They then acted upon the subject, and the next day, on receipt of the President's Message, the bill was passed.

The record then goes on to say:

"The bill was read, and considerable conversation followed on a call for the reading of the documents.

"The committee, on motion of Mr. Brinckerhoff, then rose and reported progress.

"Mr. Brinckerhoff offered a resolution to close the debate in committee in two hours.

"Mr. Darragh moved that the resolution be laid on the table, and asked the yeas and nays, which were refused. And the question being taken, the resolution was not laid on the table.

"The demand for the previous question was then seconded, and the main question (on the adoption of the resolution) was ordered.

"Mr. Schenck asked the yeas and nays, which were refused, and then the resolution was adopted; whereupon the House again resolved itself into Committee of the Whole on the State of the Union (Mr. Hopkins, of Virginia, in the chair), and resumed the consideration of the said bill.

"The reading of certain portions of the documents was ordered, and about an hour and a half was occupied in the process.

"The reading having been concluded,

"Mr. Brinckerhoff (a member of the Committee on Military Affairs) said he had a substitute for the first section of this bill, which he desired to be read, and to say a very few words in explanation of the object for which he offered it.

"Mr. Haralson. 'Will the gentleman allow me to state to the committee the amendments which I intend to offer from the Committee on Military Affairs?'

"Mr. Giddings rose to a question of order.

"In the first communication from General Taylor, he spoke of the protest of the civil authorities of Tamaulipas which accompanied that paper. Mr. Giddings wished to know if that protest had been read.

"The chairman replied that all the papers had been read except those the reading of which had been dispensed with by vote of the House."

It will thus be seen that, though the message was read in the *House*, the documents constituting the evidence of the existing relations between the two countries were not read; and that, after passing into committee, and listening to the reading of the bill, the committee rose, and the House adopted a resolution terminating all debate in two hours; that the House then went back into committee, where certain portions of the correspondence—that is to say, the military dispatches, of dates subsequent to the march to Corpus Christi, and the instructions of the Secretary of War—were read. These dispatches made it certain that the Mexicans were concentrating their forces toward the American camp; and a dispatch from General Taylor, dated the 26th of April, sent by express, made known the fact that Arista had taken the command of the Mexican army, and had

signified to him that hostilities had commenced; that a party which General Taylor had sent out two days before had all been cut off; that he had called on the governors of Texas and Louisiana for volunteers—a large auxiliary force of five thousand men; and asking to have a law passed authorizing the President to raise volunteers. Not Congress alone, but the whole country, knew General Taylor's army to be in a position of extreme peril. His dispatch closed with these words, which, from so great and brave a man, meant a great deal: "If a law could be passed authorizing the President to raise volunteers for twelve months, it would be of the greatest importance for a service so remote from support as this."

The bill, as originally reported from the Committee on Military Affairs, contained no preamble. The proposition, in the form of a preamble, which was subsequently appended to the bill, was prepared in the Committee on Military Affairs by Mr. Haralson; but that committee did not report it to the House.

The first motion submitted in the House, which embodied the principle subsequently incorporated in the bill, was made by Mr. Brinckerhoff, of Ohio, in the following words:

"Whereas, by the act of the Republic of Mexico, a state of war exists between the United States and that republic:

"*Be it therefore enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the President of the United States be, and he is hereby authorized, in order to prosecute the same to a successful termination, and to resist any attempt which may be made on the part of any foreign nation to exclusive jurisdiction over any part of the territory of the United States, or any territory in dispute between the United States and any foreign government, and to sustain the rights of the United States to, and to repel invasion upon said territory, and for these purposes to employ the naval and military forces of the United States, and such portions of the militia as he may deem advisable to call into service."

Mr. Brockenbrough, of Florida, followed up this motion by a notice of an amendment, which reads thus:

"Whereas war has been declared and made upon the United States by the Republic of Mexico:

"*Be it enacted by the Senate and House of Representatives*

of the United States of America, in Congress assembled, That all the respective countries, governments, citizens, and people of the United States and Mexico are in a state of war, and their respective rights and duties with regard to each other, and all neutral nations, are to be regulated accordingly.

"Sec. 2. *Be it further enacted*, That the President of the United States is authorized and requested to retaliate the Mexican invasion, and to take possession and hold as much of the Mexican territory as may be in his power, until peace be concluded; and that he have authority to accept the services of any number of volunteers not exceeding fifty thousand," &c.

Mr. Jacob Thompson, of Mississippi, gave notice of the following amendment:

"*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That war be, and the same is hereby declared to exist between the Republic of Mexico and the United States of America and their territories, and that the President of the United States is hereby authorized to use the whole land and naval force of the United States to carry the same into effect."

Mr. Boyd, of Kentucky, moved to strike out the first section of the bill, and insert the following:

"Whereas, by the act of the Republic of Mexico, a state of war exists between that government and the United States:

"*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That, for the purpose of enabling the government of the United States to prosecute said war to a speedy and successful termination, the President be, and he is hereby authorized to employ the militia, naval and military forces of the United States, and to call for and accept the services of any number of volunteers not exceeding fifty thousand, who may offer their services either as cavalry, artillery, infantry, or riflemen, to serve twelve months after they shall have arrived at the place of rendezvous, or to the end of the war, unless sooner discharged; and that the sum of ten millions of dollars out of any moneys in the treasury, or to come into the treasury, not otherwise appropriated, be, and the same is hereby appropriated for the purpose of carrying the provisions of this act into effect."

Mr. Schenck, of Ohio, sent up to the clerk's table, where it

was read in part, the following amendment, which he gave notice of his intention to offer at the proper time:

"Whereas it has been communicated to Congress by the President of the United States that this government is now engaged in a war with Mexico, and a call has been made on Congress for means to prosecute hostilities on the part of the United States; and

"Whereas Congress is informed that in a war thus commenced, losses have occurred to the army of the United States employed by the President on the bank of the River del Norte, and that such army, if not already lost, is in an exposed and perilous situation, and requires immediate and speedy relief and re-enforcement; therefore,

"*Be it enacted*, That while Congress will not sanction or approve the forcible occupation, under the orders of the President of the United States, of territory between the Rivers Nueces and Del Norte, by the armed forces of the United States, nor of any hostilities which have been carried on by order of the President against the government or people of Mexico, yet, to enable the President of the United States to relieve and extricate the army of the United States from the position in which it has been involved, and to prevent any invasion or encroachments upon the territory of this Union, and to protect and defend, to the fullest extent, the citizens and people of the United States, as far as the same may be in any way affected or endangered by hostilities with Mexico, the President is hereby authorized, in addition to all the present military and naval forces of the United States, to call for and accept the services of any number of volunteers not exceeding fifty thousand, who may offer their services, either as cavalry, artillery, infantry, or riflemen, to serve six months, or twelve months, or two years, as the President, in his discretion, may think best, who shall be mustered into service, and armed and equipped at the expense of the United States. *Provided only*, that said volunteers shall furnish their own clothes, and, if cavalry, their own horses.

"Sec. 2. *And be it further enacted*, That, for the same purposes, the President is authorized to call into the service of the United States, and to employ such portions of the militia as he may think necessary."

[Sections three, four, five, six, seven, eight, nine, ten, and

eleven of the bill (one or two of them slightly modified) follow.

Mr. Roberts, of Mississippi, moved to amend the first section of the bill by adding thereto the following:

"Whereas a state of war exists between the Republic of Mexico and the allies thereof, and the United States of America and their territories:

"*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the President of the United States is hereby authorized to use the whole land and naval force of the United States to carry the same into effect, and to issue to private armed vessels of the United States commissions, or letters of marque and general reprisal, in such form as he shall think proper, and under the seal of the United States, against the vessels, goods, and effects of the government of said Republic of Mexico, and the people and allies thereof."

Mr. Tibbatts, of Kentucky, moved an amendment, adding the words, "and to cause the said territory to be invaded."

Mr. Douglas, of Illinois, moved to strike out certain portions of the first section, so as to make it read as follows:

"That the President of the United States be, and he is hereby authorized to employ the naval and military forces of the United States, and such portions of the militia as he may deem advisable to call into service, for the vigorous prosecution of the war now existing between this country and Mexico."

Mr. Jefferson Davis, of Mississippi, moved to amend the sentence in the fourth line by adding, "for the vigorous prosecution of hostilities now existing between this country and Mexico."

Mr. Thurman, of Ohio, moved to amend the amendment by striking out the word "hostilities," and inserting "war."

Mr. Elias B. Holmes, of New York, offered the following amendment:

"*Provided*, That the provisions of this (the first) section do not, nor shall they be deemed to apply to that portion of the country west and south of the River Nueces, except so far as to withdraw, and, if need be, to rescue our army from the region of the Rio Grande."

Mr. Chipman, of Michigan, offered the following substitute amendment:

"*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That whereas the existing government of Mexico has, by an open and avowed act of hostility, violated American soil, and wantonly and unprovokedly shed the blood of American citizens, therefore war is hereby expressly declared by this government against Mexico; and the President of the United States be, and hereby is authorized to employ the naval and military forces of the United States, and such portions of the militia as he may deem advisable to call into service, for the efficient prosecution of such war."

Mr. E. H. Ewing, of Tennessee, offered the following amendment:

"Strike out all after the word 'that,' in the second line of the first section, down to the word 'to,' in the ninth line, and insert, in lieu thereof, the following:

"In consideration of the relations existing between this government and the government of Mexico, and in consideration of the recent collision that has taken place between the armies of Mexico and the United States on the Rio Bravo del Norte, the President of the United States be, and he is hereby authorized," &c.

Mr. Brockenbrough, of Florida, now accepted as his own, and offered the proposition of Mr. Jacob Thompson.

Mr. Delano, of Ohio, offered the following amendment to the eleventh section:

"*Provided*, That nothing herein contained shall be considered as approving the conduct of the President in taking armed occupation of any territory lying between the River Nueces and the Rio del Norte, and claimed by Mexico as never having constituted part of the province of Texas during the time that Texas constituted part of the Mexican Republic."

None of these amendments were agreed to, except that of Mr. Boyd, which was offered as a substitute for the first section. Some other amendments, not of an essential character, were also agreed to, and the bill, with the amendments, was then reported to the House. The previous question was ordered, and the amendments, with two exceptions, were concurred in without a division.

One of these exceptions was the preambular amendment of

Mr. Boyd. The yeas and nays were ordered, and the question on agreeing to that amendment was taken, with the following result:

Yeas: Messrs. Stephen Adams, Anderson, Arnold, Atkinson, Baker, Ball, Benton, Biggs, James Black, James A. Black, Bowlin, Boyd, Brinckerhoff, Brockenbrough, Brodhead, Milton Brown, William G. Brown, John H. Campbell, Cathcart, John G. Chapman, Reuben Chapman, Chase, Chipman, Clarke, Cobb, Cocke, Collin, Cullom, Cummins, Daniel, Darragh, Jefferson Davis, De Mott, Dillingham, Dobbin, Douglas, Dromgoole, Edsall, Ellsworth, Erdman, Faran, Ficklin, Fries, Garvin, Gentry, Goodyear, Gordon, Graham, Grover, Haralson, Harmanson, Henley, Hoge, Hopkins, Hough, George S. Houston, Hungerford, James B. Hunt, Charles J. Ingersoll, Joseph R. Ingersoll, Joseph Johnson, Andrew Johnson, George W. Jones, Kennedy, Preston King, Leib, La Sere, Levin, Ligon, Lumpkin, Maclay, M'Clean, M'Clelland, M'Clernand, M'Connell, Joseph J. M'Dowell, James M'Dowell, M'Kay, John P. Martin, Barclay Martin, Morris, Morse, Moulton, Niven, Norris, Owen, Parish, Payne, Perrill, Pettit, Phelps, Pollock, Price, Ramsay, Rathbun, Reid, Rolfe, Ritter, Roberts, Sawtelle, Sawyer, Scamman, Leonard H. Sims, Thomas Smith, Robert Smith, Stanton, Starkweather, St. John, Strong, Thibodeaux, Thomasson, Jacob Thompson, Thurman, Tibbatts, Towns, Tredway, Trumbo, Wentworth, Wheaton, Wick, Woodruff, Yell, and Young—123.

Nays: Messrs. Abbott, John Quincy Adams, Ashmun, Barringer, Bayly, Bedinger, Blanchard, Buffington, Burt, William W. Campbell, Carroll, Cranston, Crozier, Culver, Garrett Davis, Delano, Dockery, Dunlap, John H. Ewing, Edwin H. Ewing, Foot, Giddings, Grider, Grinnell, Hamlin, Hampton, Harper, Herrick, Hilliard, Elias B. Holmes, Isaac E. Holmes, John W. Houston, Edmund W. Hubard, Samuel D. Hubbard, Hudson, Hunter, Daniel P. King, Thomas B. King, Lewis, M'Gaughey, M'Henry, M'Ilvaine, Marsh, Miller, Moseley, Pendleton, Rhett, John A. Rockwell, Root, Schenck, Seddon, Severance, Alexander D. Sims, Simpson, Truman Smith, Albert Smith, Stephens, Stewart, Strohm, Benjamin Thompson, Tilden, Toombs, Vance, Vinton, Winthrop, Woodward, and Yancey—67.

By this decision the preamble of Mr. Boyd became a part of the bill, which was then passed by the following vote:

Yeas: Messrs. Abbott, Stephen Adams, Anderson, Arnold, Atkinson, Baker, Barringer, Bayly, Bedinger, Bell, Benton, Biggs, James Black, James A. Black, Blanchard, Bowlin, Boyd, Brinckerhoff, Brockenbrough, Brodhead, Milton Brown, William G. Brown, Buffington, Burt, William W. Campbell, John H. Campbell, Carroll, Cathcart, John G. Chapman, Augustus A. Chapman, Reuben Chapman, Chase, Chipman, Clarke, Cobb, Cocke, Collin, Crozier, Cullom, Cummins, Daniel, Dargan, Darragh, Garrett Davis, Jefferson Davis, De Mott, Dillingham, Dobbin, Dockery, Douglas, Dromgoole, Dunlap, Edsall, Ellsworth, Erdman, John H. Ewing, Edwin H. Ewing, Faran, Ficklin, Foot, Fries, Garvin, Gentry, Goodyear, Gordon, Graham, Grider, Grover, Hamlin, Hampton, Haralson, Harmanson, Harper, Henley, Herrick, Hilliard, Hoge, Elias B. Holmes, Isaac E. Holmes, Hopkins, Hough, John W. Houston, G. S. Houston, E. W. Hubard, Hungerford, J. B. Hunt, Hunter, Charles J. Ingersoll, Joseph R. Ingersoll, Joseph Johnson, Andrew Johnson, George W. Jones, Kennedy, P. King, Thomas Butler King, Leib, La Sere, Lewis, Levin, Ligon, Lumpkin, Maclay, M'Clean, M'Clelland, M'Clernand, M'Connell, Joseph J. M'Dowell, James M'Dowell, M'Gaughey, M'Henry, M'Kay, Marsh, John P. Martin, Barclay Martin, Miller, Morris, Morse, Moseley, Moulton, Niven, Norris, Owen, Parish, Payne, Pendleton, Perrill, Pettit, Phelps, Pollock, Price, Ramsey, Rathbun, Reid, Relfe, Rhett, Ritter, Roberts, John A. Rockwell, Sawtelle, Sawyer, Scammon, Schenck, Seddon, Alexander D. Sims, Leonard H. Sims, Simpson, Truman Smith, Albert Smith, Thomas Smith, Robert Smith, Stanton, Starkweather, Stewart, St. John, Strong, Thibodeaux, Thomasson, Jacob Thompson, Thurman, Tibbatts, Toombs, Towns, Tredway, Trumbo, Vinton, Wentworth, Wheaton, Wick, Winthrop, Woodruff, Woodward, Yancey, Yell, and Young—174.

Nays: Messrs. John Q. Adams, Ashmun, Cranston, Culver, Delano, Giddings, Grinnell, Hudson, D. P. King, Root, Severance, Strohm, Tilden, and Vance—14.

We need not advert to the many bitter controversies of which this preamble has been the fruitful parent. Those who believed the declaration which it contained to be false—and it is

known to the country that there were many such—voted against it. The vote which we have recorded so engrafted it upon the bill itself as to place it beyond all further control, and there was no alternative, therefore, but to vote against the whole bill, and so to refuse supplies, or to *appear* to do that which the sixty-seven members whose names are recorded in the negative never did, to wit, vote in favor of the preamble. This is the historical truth of a matter which, in every section of the Union, has been greatly misunderstood.

Speaking of the vote he then gave, Mr. Winthrop, on the 25th of June, 1846, said:

"I need not say that I deeply deplore the occurrence of the war in which the country is involved. I have had neither part nor lot in the policy which has occasioned it, but have opposed that policy from beginning to end to the best of my ability. I voted for the bill recognizing the existence of the war, and authorizing the employment of men and money for its prosecution, with unfeigned reluctance and pain. The day can never be when I can vote, without reluctance and without pain, for any bill, under any circumstances, which looks to an issue of battle and of blood. I feel deeply that such conflicts are unbecoming civilized and Christian men. Not even the brilliant exploits of our troops at Palo Alto and Resaca de la Palma, though they may fill me with admiration for the bravery of those who achieved them, can dazzle me for an instant into the delusion that such scenes are worthy of the age in which we live.

"There was phraseology, too, in the bill which I would gladly have stricken out. Indeed, the question was one on which it was impossible to give an altogether satisfactory vote, and I have nothing but respect for the motives, and sympathy in the general views of those who differed from me on the occasion.

"But I believed when that bill was before us, and I believe still, that the policy of the administration had already involved us in a state of things which could not be made better, which could not be either remedied or relieved by withholding supplies or disguising its real character. And I will say further, that while I condemned that policy as heartily as any of my friends—while I condemned both the policy of annexation as a whole, and the movement of our army from Corpus Christi as

a most unnecessary and unwarrantable part—I was not one of those who considered Mexico as entirely without fault."

On the 22d of February, 1847, when the bill making appropriations for the support of the army and volunteers was under consideration, Mr. Winthrop offered the following provisoes:

"*Provided*, That no more than a proportionate amount of the money appropriated by the two first sections of this bill shall be expended during any one quarter of the year for which said appropriations were made.

"*Provided also*, That so much of the said appropriations as shall be unexpended at the next meeting of Congress, shall be subject to reconsideration and revocation.

"*Provided further*, That these appropriations are made with no view of sanctioning any prosecution of the existing war with Mexico for the acquisition of territory to form new states to be added to the Union, or for the dismemberment in any way of the Republic of Mexico."

This last proviso was adopted in Committee of the Whole on the State of the Union, but was rejected in the House by a vote of yeas 76, nays 126, the entire body of the Whig party uniting with Mr. Winthrop in the declaration it contained.

The rule of future action which Mr. Winthrop has prescribed for himself in regard to the war, seems to be laid down in a speech delivered by him on the 22d of February, 1847, in support of these provisoes. He says:

"I have intimated, on another occasion, that I do not go so far as some others of my friends in regard to the propriety or expediency of withholding all supplies from the executive. While a foreign nation is still in arms against us, I would limit the supplies to some reasonable scale of defense rather than withhold them altogether. I would pay for all services of regulars or volunteers already contracted for. I would provide ample means to prevent our army from suffering, whether from the foe or from famine, as long as they are in the field under constitutional authority. Heaven forbid that our gallant troops should be left to perish for want of supplies because they are on a foreign soil, while they are liable to be shot down by the command of their own officers if they refuse to remain there."

He voted in favor of the Three Millions Bill, and his opin-

ions on the general subject connected with that measure we find well expressed in a speech delivered in Faneuil Hall:

"This, this is the matter, gentlemen, in which we take the deepest concern this day. *Where, when, is this war to end, and what are to be its fruits?* Unquestionably we are not to forget that it takes two to make a bargain. Unquestionably we are not to forget that Mexico must be willing to negotiate before our own government can be held wholly responsible for the failure of a treaty of peace. I rejoice, for one, that the administration have shown what little readiness they have shown for bringing the war to a conclusion. I have given them credit elsewhere for their original overtures last autumn, and I shall not deny them whatever credit they deserve for their renewed overtures now. But, Mr. President, it is not every thing which takes the name or the form of an overture of peace which is entitled to respect as such. If it proposes unjust and unreasonable terms; if it manifests an overbearing and oppressive spirit; if it presumes on the power of those who make it, or on the weakness of those to whom it is offered, to exact hard and heartless conditions; if, especially, it be of a character at once offensive and injurious to the rights of one of the nations concerned, and to the principles of a large majority of the other, then it prostitutes the name of peace, and its authors are only entitled to the contempt which belongs to those who add hypocrisy to injustice.

"Mr. President, when the President of the United States, on a sudden and serious emergency, demanded of Congress the means of meeting a war into which he had already plunged the country, he pledged himself, in thrice repeated terms, to be ready at all times to settle the existing disputes between us and Mexico, whenever Mexico should be willing either to make or to receive propositions to that end. To that pledge he stands solemnly recorded in the sight of God and of men. Now, sir, it was no part of our existing disputes at that time whether we should have possession of California, or of any other territory beyond the Rio Grande. And the President, in prosecuting plans of invasion and conquest which look to the permanent acquisition of any such territories, will be as false to his own pledges as he is to the honor and interests of his country.

"I believe that I speak the sentiments of the whole people of Massachusetts—I know I speak my own, in saying that we want no more territorial possessions to become the nurseries of new slave states. It goes hard enough with us that the men and money of the nation should be employed for the defense of such acquisitions already made; but to originate new enterprises for extending the area of slavery by force of arms, is revolting to the moral sense of every American freeman.

"Sir, I trust there is no man here who is not ready to stand by the Constitution of the country. I trust there is no man here who is not willing to hold fast to the union of the states, be its limits ultimately fixed a little on one side or a little on the other side of the line of his own choice. For myself, I will not contemplate the idea of the dissolution of the Union in any conceivable event. There are no boundaries of sea or land, of rock or river, of desert or mountain, to which I will not try, at least, to carry out my love of country, whenever they shall really be the boundaries of my country. If the day of dissolution ever comes, it shall bring the evidence of its own irresistible necessity with it. I avert my eyes from all recognition of such a necessity in the distance. Nor am I ready for any political organizations or platforms less broad and comprehensive than those which may include and uphold the whole Whig party of the United States. But all this is consistent, and shall, in my own case, practically consist with a just sense of the evils of slavery; with an earnest opposition to every thing designed to prolong or

extend it; with a firm resistance to all its encroachments on Northern rights; and above all, with an uncompromising hostility to all measures for introducing new slave states and new slave territories into our Union."

Not inappropriate here will be the following extract from the proceedings of the House of December the 21st, 1847:

"Mr. Jones, of Georgia, said: 'By whom had this war been represented as unjust on the part of the United States? But by "few." Yet the opinions and denunciations of these persons had been extensively circulated, not only in the United States, but in Mexico. And who were they? The gentleman from Massachusetts had thought proper to rank himself among them; he had placed himself in that unfortunate category.'

"Mr. Winthrop. 'Does the honorable gentleman mean to assert that I placed myself there?'

"Mr. Jones. 'I understood him to place himself in that category, and that he had declared his right and that of all freemen to express their opinions.'

"Mr. Winthrop. 'Does he declare, in the face of this House, that he understood me to place myself in the predicament of attempting to circulate in Mexico—that's his accusation—declarations of the injustice and impropriety of the war?'

"Mr. Jones. 'I did not single out that part of the—'

"Mr. Winthrop. 'The honorable gentleman stated that explicitly. It is utterly unfounded—without the shadow of truth.'

"Mr. Jones. 'I will tell the gentleman, if he will allow me, what I understood him to say, and he can not deny it with a shadow of truth. He characterized the portion of the message which I have read as an attempt, on the part of the President, to suppress discussion, and declared that, as a freeman, he should discuss freely the acts of the President. He spoke of the rights of freemen, and those which had descended from our Revolutionary fathers. Where then did he place himself?

"'I presume that the honorable gentleman has not taken the pains to send his speeches to Mexico, although he may have had them circulated throughout the United States. But that is not the charge. The charge is that of assailing the administration as having brought on an unjust war—a war aggressive in its character—a war on an injured enemy. Does the gentleman deny that he has assailed this war as unjust? Does he deny that he has characterized it as aggressive? Does

he deny that he has called it the President's war, and not the war of the country? He has not only by these declarations, but by the whole course and tenor of his argument, placed himself in the unfortunate category of extending "aid and comfort" to the enemy.'

"Mr. Winthrop. 'Will the gentleman allow me a single word?'

"Mr. Jones. 'Certainly.'

"Mr. Winthrop. 'The honorable member may impute to me whatever opinions he sees fit. I do not say that I do not think this war an unjust war; that I do not think this war to be an aggressive war; that I do not think this war to be a President's war, and not a war of the country; that I do not feel all the sentiments of abhorrence of this war which the President has imputed to the "few," but whom I choose to call the "many," as I believe they are, throughout this nation. But it does so happen—and the honorable gentleman from Georgia should have known the circumstances of the case before he assailed me—it does so happen, and it has been notorious to the whole country, that the charges in my own district, during the election which recently terminated in my re-election, have been, that I have refrained from denouncing this war; that I have refrained from expressing opinions which the honorable gentleman has now imputed to me; that I have not manifested the spirit exhibited in many other parts of my own commonwealth, and in many other parts of the country, quite so resolutely and uncompromisingly as my constituents could have desired; and although there may have been some parenthetical passages in my speech on the tariff, and other speeches, which the honorable member may see fit to charge as substantiating his position, yet he will be obliged to resort to a microscope—to all the glasses and aids which philosophy or science will put within his reach, in order to discover those passages in any speech of mine which will give color even to the assertions which he has now made. Sir, I am the last member in this House on the Whig side who has subjected himself to the imputation which the President has seen fit to put forth; but, because I may not have done it heretofore, let me not be misunderstood—let me not be regarded as entertaining a different opinion from those who have done it to their hearts' content, and whom the Pres-

ident has seen fit to charge in this utterly unjustifiable and arbitrary manner.'"

In making these various extracts, our object has been that Mr. Winthrop should speak for himself. We are neither his vindicators nor apologists. Nor does he stand in need of any feeble support which we can give him. Dissenting from some of his views, we still believe it would be a bright augury for the future destiny and the true glory of our common country — at the contemplation of whose prospective grandeur the vision almost aches—if our national councils contained a greater number of statesmen such as he is. He has witnessed and deplored the workings of that spirit of aggrandizement which, but recently, to use an expression of his own, "was seen leaping over the Sabine in one quarter, and dashing itself upon the Rocky Mountains in another!" Looking to the habitual temper of our people, we can conceive of no higher exhibition of moral resolution in a representative than to raise his voice, amid a seeming clamor for war, in fervent invocations to *Peace*. We believe that the odium which attached to the opponents of the war of 1812, where principles were at issue that ought to have an abiding-place in the heart of every man worthy to be free, has affrighted from the exercise of their most honest judgments many of the public men of our day. The genius of our people, and especially of that portion which occupies the states composing our vast Western empire, is eminently warlike. Impatient of control, desirous of change, hankering after events, fond of excitement and adventure, they constitute material for military purposes not surpassed by any nation upon earth. The mild and beneficent spirit of our institutions, breathing forth from the sacred charter of our liberties, has hitherto kept this aspiring genius in check. But once give it rein—hold up to the admiring gaze of a young and chivalrous generation, as the worthier objects of its ambition, the trophies of conquest and the triumphs of arms, and who shall set bounds to our career of injustice, aggression, and rapacity? The past is full of solemn admonition. The magnificent domain on which we live is already felt, like a kingdom to the spirit of Percy, "too small a bound." The "manifest destiny" which, during the brief but troubled day of the 54° 40′ dream, was impiously leading us no man knew whither, is not dead: it sleepeth only. At

that time, nothing short of a country, "ocean-bound," would contain us. The flag that "flouts the sky" on the dome of the Capitol was but one of those emblems of overshadowing power whose folds were to be given to the breeze alike on the summit of Cape Horn and at the extremity of Behring's Straits, where our eagles might perch, ready for a bolder and still loftier flight. Let us take warning ere it is too late. If the lessons of history can ever avail aught in shaping the destinies of nations, let them not be lost upon *us*. Let us see the future in the past, and "gather precious political truths amid the ruins of empires."

This memoir was prepared so far back as the month of August last. Mr. Clay, in the speech delivered by him at Lexington on the 13th of the following November, speculates, with much more ability than we can command, upon the effect produced at this day by the consequences visited upon those who arrayed themselves against the war of 1812. He says:

"The exceptionable conduct of the Federal party during the last British war has exerted an influence in the prosecution of the present war, and prevented the just discrimination between the two wars. That was a war of national defense, required for the vindication of the national rights and honor, and demanded by the indignant voice of the people. President Madison himself, I know, at first reluctantly, and with great doubt and hesitation, brought himself to the conviction that it ought to be declared. A leading, and, perhaps, the most influential member of his cabinet (Mr. Gallatin), was, up to the time of its declaration, opposed to it. But nothing could withstand the irresistible force of public sentiment. It was a just war, and its great object, as announced at the time, was 'Free Trade and Sailors' Rights,' against the intolerable and oppressive acts of British power on the ocean. The justice of the war, far from being denied or controverted, was admitted by the Federal party, which only questioned it on considerations of policy. Being deliberately and constitutionally declared, it was, I think, their duty to have given it their hearty co-operation. But the mass of them did not. They continued to oppose and thwart it, to discourage loans and enlistments, to deny the power of the general government to march the militia beyond our limits, and to hold a Hartford Convention, which, whatever were its

real objects, bore the aspect of seeking a dissolution of the Union itself. They lost, and justly lost, the public confidence. But has not an apprehension of a similar fate, in a state of a case widely different, *repressed a fearless expressiou of their real sentiments in some of our public men ?*"

During his service in Congress, Mr. Winthrop has been a member of three of the most important standing committees of the House: on Commerce, on Foreign Affairs, and, more lately, of Ways and Means.

As the representative of the commercial city whose interests are more especially in his keeping, he merits all the praise that can be awarded to him. His unceasing efforts to preserve that protective policy with which the business pursuits of his state are so closely linked, are familiar to all.

With respect to the disputed matter of the naturalization laws, it is enough to say that he has favored such a revision of them as he believed necessary to correct existing abuses, and to maintain the purity of the ballot-box.

As the patron of the arts and sciences, of great national enterprises, and of all works connected with the history of the country, no member has been more conspicuous. The policy of internal improvement by the general government he has at all times sustained, as a cause which ought to rally to its support every real friend of the republic [see title, ROBERT M'CLELLAND]. Nor must we fail to notice the constancy with which he has voted to give to those private claimants, who so often appeal in vain to the justice of the nation, the benefit of the time which the rules of the House have set apart for the consideration of their business, and of his countenance and support, where their claims were of legitimate and proper obligation. We have referred to the general subject of the private calendar in another place.

His literary accomplishments have been indicated by numerous addresses and orations delivered upon various occasions, all of them of a high degree of excellence. Among them we should notice, as possessing peculiar merit, an address before the Mercantile Library Association of Boston upon the achievements and influence of Commerce, and an oration before the New England Society of the City of New York, at their annual celebration in 1839. The committee of the society, in requesting a

copy of the latter for the press, speak of it as an address "which, in the principles it recommends, and the historic research and statesmanlike views it disclosed, was so entirely worthy of the family name you bear, and one which, in the eloquence and power with which it took possession of the mind of the hearer, gave full proof that the city of Boston, in its public speakers and leading minds, had not fallen away from the town of Boston of earlier days and dearer associations."

He availed himself of the late long recess to visit England, France, and other parts of Europe. Shortly after his departure for England, Edward Everett, writing to a friend in Massachusetts, says of Mr. Winthrop, "A better specimen of America never crossed the water;" and the tenor of all notices from England gives us the impression that this remark has been fully justified by his reception in that country, as indicating the estimation in which he is held by the leading men of the *father-land.*

That all he has seen in other countries has but served to confirm and rivet his affection for his own, we feel well assured. On the 4th of July last, writing from the top of the Righi, in Switzerland, to a friend in New England, who permitted us to make an extract from the letter, he says: "It is no infelicitous coincidence that an American should be upon this interesting spot on this anniversary of his country's independence. Last night I slept on the borders of the Lake of Lucerne. This morning I passed by the chapel of William Tell and the three fountains of Grütli, where the first confederation in favor of Swiss liberty was concerted, and from thence came up to this pinnacle of mountain liberty; and here we are admiring other countries, but remembering our own, and wishing that the three hundred miles' circumference over which our eyes extend could be stretched to three thousand, so that we could see the land we are sighing after, and the friends who make it so dear. Never have I felt a stronger yearning after my own country than at this moment. God bless her forever! There is no land like her. We may see here and there a richer cultivation —here and there a more splendid ceremonial—here and there a more magnificent mountain or lake; but we can find nowhere else a people, a whole people, so comfortably conditioned, so intelligent, so educated, so free."

This surely is not the language of a man in whose bosom beats a heart insensible to the claims of patriotism, or of one who, in conforming to the customs of other countries while sojourning in them, is wanting in loyalty to his own.

It is well known that at the Convention held in Springfield, Massachusetts, in September last, a resolution was introduced by Mr. Palfrey, now a member of the House, declaring "that the Whigs of Massachusetts will support no man for the office of President and Vice President but such as are known by their acts or declared opinions to be opposed to the extension of slavery." Mr. Winthrop opposed this resolution, and prevented its adoption, avowing his determination to support a slaveholder for the Presidency, should he be the candidate of the Whig party.

He is now Speaker of the House of Representatives of the United States, chosen at a time when the two great parties in that body were nearly equally divided. The accompanying correspondence, which preceded his election, and looked to the imposition of conditions which should secure it, speaks its own commentary:

"*Copy of a letter from Hon. John G. Palfrey to Hon. R. C. Winthrop, dated*

"56 COLEMAN'S, WASHINGTON, *December* 5, 1847.

"DEAR SIR,—It would give me pleasure to aid by my vote in placing you in the chair of the House of Representatives; but I have no personal hopes or fears to dictate my course in the matter, and the great consideration for me must be that of the policy which the speaker will impress on the action of the House.

"Not to trouble you with suggestions as to subordinate points, there are some leading questions on which it may be presumed that you have a settled purpose. May I respectfully inquire whether, if elected speaker, it is your intention

"So to constitute the Committee of Foreign Relations and of Ways and Means as to arrest the existing war?

"So to constitute the Committee on the Territories as to obstruct the legal establishment of slavery within any territory?

"So to constitute the Committee on the Judiciary as to favor the repeal of the law of February 12, 1793, which denies

trial by jury to persons charged with being slaves; to give a fair and favorable consideration to the question of the repeal of those acts of Congress which now sustain slavery in this district, and to further such measures as may be in the power of Congress to remedy the grievances of which Massachusetts complains at the hands of South Carolina, in respect to ill treatment of her citizens.

"I should feel much obliged to you for a reply at your early convenience, and I should be happy to be permitted to communicate it, or its substance, to some gentlemen who entertain similar views to mine on this class of questions.

"I am, dear sir, with great personal esteem, your friend and servant, "JOHN G. PALFREY."

"*Mr. Winthrop to Mr. Palfrey.*

"WASHINGTON, COLEMAN'S HOTEL, *December* 5, 1847.

"DEAR SIR,—Your letter of to-day has this moment been handed to me.

"I am greatly obliged by the disposition you express 'to aid in placing me in the chair of the House of Representatives.' But I must be perfectly candid in saying to you that, if I am to occupy that chair, I must go into it without pledges of any sort.

"I have not sought the place. I have solicited no man's vote. At a meeting of the Whig members of the House, last evening (at which, however, I believe that you were not present), I was formally nominated as the Whig candidate for speaker, and I have accepted the nomination.

"But I have uniformly said to all who have inquired of me, that my policy in organizing the House must be sought for in my general conduct and character as a public man.

"I have been for seven years a member of Congress from our common state of Massachusetts. My votes are on record. My speeches are in print. If they have not been such as to inspire confidence in my course, nothing that I could get up for the occasion, in the shape of pledges or declarations of purpose, ought to do so.

"Still less could I feel it consistent with my own honor, after having received and accepted a general nomination, and just on the eve of the election, to frame answers to specific questions like those which you have proposed, to be shown to a few gen-

tlemen, as you suggest, and to be withheld from the great body of the Whigs.

"eply, therefore, as I should regret to lose the distinction which the Whigs in Congress have offered to me, and through me to New England, for the want of the aid of a Massachusetts vote, I must yet respectfully decline any more direct reply to the interrogatories which your letter contains.

"I remain, with every sentiment of personal esteem, your friend and servant, "ROBERT C. WINTHROP."

"Hon. J. G. PALFREY, &c., &c."

On taking the speaker's chair, to which he was conducted by Mr. M'Kay, of North Carolina, and Mr. Vinton, of Ohio, Mr. Winthrop thus addressed the House:

"*Gentlemen of the House of Representatives of the United States:*

"I am deeply sensible of the honor which you have conferred upon me by the vote which has just been announced, and I pray leave to express my most grateful acknowledgments to those who have thought me worthy of so distinguished a mark of their confidence.

"When I remember by whom this chair has been filled in other years, and, still more, when I reflect on the constitutional character of the body before me, I can not but feel that you have assigned me a position worthy of any man's ambition, and far above the rightful reach of my own.

"I approach the discharge of its duties with a profound impression at once of their dignity and of their difficulty.

"Seven years of service as a member of this branch of the national Legislature have more than sufficed to teach me that this is no place of mere formal routine or ceremonious repose. Severe labors, perplexing cares, trying responsibilities, await any one who is called to it, even under the most auspicious and favorable circumstances. How, then, can I help trembling at the task which you have imposed on me in the existing condition of this House and of the country?

"In a time of war, in a time of high political excitement, in a time of momentous national controversy, I see before me the representatives of the people almost equally divided, not merely,

as the votes this morning have already indicated, in their preference for persons, but in opinion and in principle, on many of the most important questions on which they have assembled to deliberate.

"May I not reasonably claim, in advance, from you all, something more than an ordinary measure of forbearance and indulgence for whatever inability I may manifest in meeting the exigencies and embarrassments which I can not hope to escape? And may I not reasonably implore, with something more than common fervency, upon your labors and upon my own, the blessing of that Almighty Power whose recorded attribute it is that 'He maketh men to be of one mind in a house!'

"Let us enter, gentlemen, upon our work of legislation with a solemn sense of our responsibility to God and to our country. However we may be divided on questions of immediate policy, we are united by the closest ties of permanent interest and permanent obligation. We are the representatives of twenty millions of people, bound together by common laws and a common liberty. A common flag floats daily over us, on which there is not one of us who would see a stain rest, and from which there is not one of us who would see a star struck. And we have a common Constitution, to which the oath of allegiance, which it will be my first duty to administer to you, will be only, I am persuaded, the formal expression of those sentiments of devotion which are already cherished in all our hearts.

"There may be differences of opinion as to the powers which this Constitution confers upon us; but the purposes for which it was created are inscribed upon its face in language which can not be misconstrued. It was ordained and established 'to form a more perfect union, establish justice, ensure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity.'

"Union, justice, domestic tranquillity, the common defense, the general welfare, and the security of liberty for us and for those who shall come after us, are thus the great objects for which we are to exercise whatever powers have been intrusted to us. And I hazard nothing in saying, that there have been few periods in our national history when the eyes of the whole people have been turned more intently and more anxiously to-

ward the Capitol than they are at this moment, to see what is to be done, here and now, for the vindication and promotion of these lofty ends.

"Let us resolve, then, that those eyes shall at least witness on our part duties discharged with diligence, deliberations conducted with dignity, and efforts honestly and earnestly made for the peace, prosperity, and honor of the republic.

"I shall esteem it the highest privilege of my public life if I shall be permitted to contribute any thing to these results by a faithful and impartial administration of the office which I have now accepted."

A CALL OF THE HOUSE.

WE feel some solicitude, courteous reader, that your eyelids should not wax heavy under the influence of those somber records which, of necessity, form so material a portion of our history. We propose, therefore, to draw off your attention for a brief space to *a Call of the House.*

The representative body, like other assemblies of men, must occasionally have recourse to its *muster-roll.* The duties of legislation are not always of the summer-day order. Sometimes the spirit chafes, the limbs grow weary, and the mental energies flag under the labor which the daily sessions impose, especially in the pell-mell race for business which marks the period preceding final adjournment. At such times legislators—"children of an older growth"—need the stimulating process to bring them up to their task, and the House in these cases asserts its authority by resort to what is termed "a call."

Our own experience of this instrument of convocation has impressed us with no very high estimate of its utility. Carried beyond the point of merely calling over the names to see who were present and who absent, we can not recollect a single instance in which we have known it productive of good. We have, on the contrary, frequently witnessed confusion, disorder, vexation, and ill blood grow out of it. We think the House would have done well for its own comfort—to use no stronger term—if it had gone at least so far as Mr. Adams desired it to go in 1840, by his resolution providing that no "call" should be ordered after ten o'clock at night, and that the attendance of no member should be required after midnight. We have seen men shine forth as heroes of a midnight call of the House, whose genius was equal to no loftier achievement, and the star of whose glory "paled its ineffectual fire" the moment the mandate went forth, "the doors of the hall will be opened."

The sixty-fifth and sixty-sixth standing rules of the House declare that,

"Upon the call of the House, the names of the members shall be called over by the clerk, and the absentees noted; after which, the names of the absentees shall again be called over; the doors shall then be shut, and those for whom no excuse, or insufficient excuses are made, may, by order of those present, if fifteen in number, be taken into custody as they appear, or may be sent for and taken into custody, wherever to be found, by special messengers appointed for that purpose.

"When a member shall be discharged from custody and admitted to his seat, the House shall determine whether such discharge shall be with or without paying fees; and, in like manner, whether a delinquent member, taken into custody by a special messenger, shall or shall not be liable to defray the expense of such special messenger."

Suppose, then, that the business of the day has lost its interest; or that there is music at the President's; or a favorite horse on the race-course; or that bright eyes and merry hearts, taking possession of Pennsylvania Avenue, are drawing within the magic of their sphere almost every thing that has life enough to bless God for the air and the sunlight! or, suppose that some member, exercising his "inalienable right" "to speak to Buncombe," should be left almost alone in his glory, the speaker, clerk, and a few others only remaining to keep up the constitutional forms. This is no uncommon occurrence. We knew a member whose rising with intent to make a speech was the signal at which the benches, in every quarter of the hall, were precipitately vacated. He was himself aware of this idiosyncrasy, so to speak, on the part of the House, but it did not appear to distress him much; for he had a peculiar faculty of securing the presence of at least *one* listener, who could not retire without a breach of decorum too flagrant for any gentleman to commit. When he had obtained the floor, he would fix his eye steadily—immovably—*sternly*, upon some *innocent* victim, whom he had selected for the purpose, and would address to *him* all his arguments and gesticulations precisely as if no other human being were present. The speaker, so far as *his* presence was heeded or needed, might have been on the other side of the Potomac. In this way, the member

would go through a speech of several hours, much to his own content, but to the sore affliction of the listener, who sat, in gloom and sadness, enchained beneath his eye. We remember one or two instances, more especially, in which we thought the penance inflicted was sufficient, not only in kind, but in duration, to atone for any sins that could have been crowded into the brief period of human existence. This, however, is a parenthesis, which Thomas F. Marshall, of Kentucky, speaking of John Tyler's administration, defined to be something that might either be inserted or omitted without destroying the sense. So we proceed.

Suppose yet again that a long day's session should be running into night—that the "constitutional quorum" can not be drummed up—and that, for these or other causes, a call of the House *is ordered.*

When the decision is announced, one of the officers forthwith sets in motion a huge parent bell, whose tintinnabulary branches run through all the rooms and recesses of the Capitol. Under this dissonant music, every thing human starts into action, presenting a scene such as *Dante* might have pictured in the infernal regions, if all its inhabitants had turned out to dance a cotillon.

The names of the members are called over, and then, again, the names of those who did not answer the first time. It is astonishing to see how rapidly, during this process, the seats have been filling up by their regular tenants. Where they come from no man knoweth, so sudden is their reappearance on the stage. They rise up, like the legions of Roderic Dhu, as if by incantation. But a goodly number are sure to be missing when the order is given to close the doors—and woe be to *them!*

Now commences the business of taking into custody and hearing excuses. The sergeant-at-arms is out on his mission of arrest, and ever and anon returns with some disconsolate member in his keeping, who, perhaps, from his general conscientiousness in the discharge of his duty, might have been the last man upon whom the House should thus have laid its hand of power.

Pending this process, the House can transact no legislative business, and if it is prolonged for any considerable time, it becomes matter of some difficulty for those who are thus cooped up to find occupation or amusement in the intervals that elapse

between returns of delinquents. We have seen a great many devices resorted to in this extremity. Some call for a song, some for a sermon. Some demand the reading of one of John Wentworth's speeches, some of the Maysville Veto. But, alas! all are out of order. The dull, dead reality is there! The doors are locked, and the prisoners themselves *will* that they shall remain so. Pause follows pause, each longer than the other; still, the House will neither stay proceedings nor consent to adjourn. It is in an obstinate mood, and you might as well hope to move the Capitol from its foundations as to divert the House from its object *now*.

In the mean time, nevertheless, some of those who answered to their names on the first call of the roll have disappeared. The record shows them *present*—that is enough; the House can not visit its displeasure upon *them*. Secure from the penalties it might otherwise have imposed, they may go home and "sleep soundly," as Duncan did, for any disturbance that the House can give them.

But here come more captives—some in pleasant humor, some who look as if they thought that a knock-down blow, when the blood is up, might not be so *very* disagreeable a thing. The speaker accosts the first of them: "You have been absent from this House without its leave and contrary to its order. If you have any excuse to offer, you will now be heard."

A peal of laughter rings through the hall.

The Marylander, to whom this address is made, replies, "I remained in this House all day; the law allows me a *per diem*, but not a *per noctem*;" and he sullenly turns on his heel and walks away.

Admitted to his seat *on payment of fees.*

Georgia next? What excuse? "The child of a valued friend is sick unto death, and I had relieved the watchers by its side. This is the third session during which I have been a member of this House, and I have never before been thus arraigned."

Excused.

And the child? Its spirit fled that night! Light rest the turf upon its ashes, and sweetly smile its little soul in the bosom of Abraham!

Come on, Virginia: where were you? "The gentleman over

the way was addressing the committee, and the usual hour for refreshment had passed. I preferred the arguments of the stomach to the arguments of that gentleman, and so I went home."

Admitted to his seat *on payment of fees.*

Tennessee lagging also? What is it that Tennessee says growlingly? "I left the hall at ten o'clock, and, in accordance with the custom of all orderly men, went to bed. I have no favors to ask of this House, and particularly in the condition in which I find some of its members."

Admitted to his seat *on payment of fees.*

Old Kentucky on the missing list too? Perhaps a major general that was to be? What does *he* say? "I sat in this House for ten hours, and was tired, hungry, and sleepy. I believed it would be a night of speech-making and not of business, and, as I have generally been an attentive listener to speeches, I concluded I had done my share of that part of legislative duty, and, therefore, at ten o'clock I paired off with a friend."

Admitted to his seat *on payment of fees.*

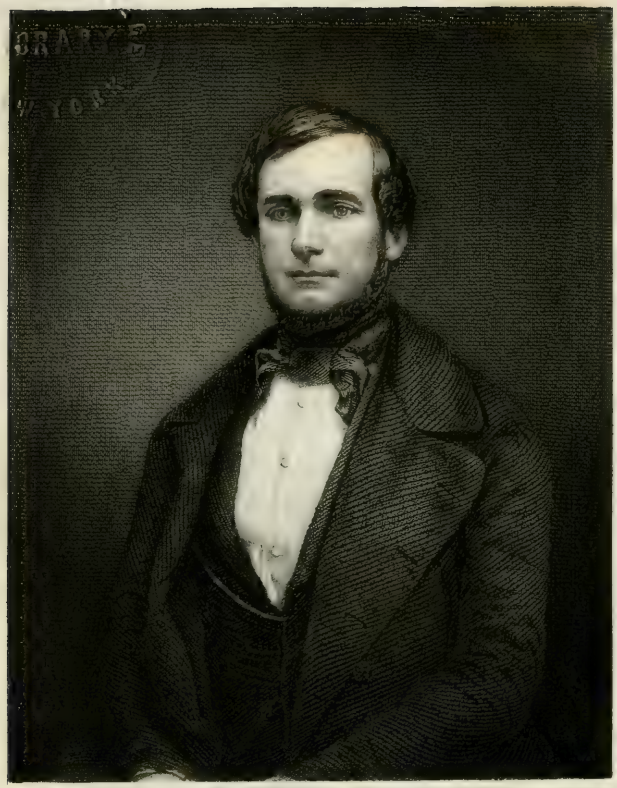
But see, who is that? The gentleman from Alabama, numbered now with the pale congregation. How came he *here?* He was absent when his name was called. Who saw him pass over the projecting top of the entablature which runs round the Capitol, from whose dangerous height the slightest misstep might have precipitated him to the massive pavement below, dashing him to atoms, and enter the hall by the window at the back of the speaker's chair? No matter; there he is! The clerk can not, for his life, present him as an absentee.

That dark object in yonder corner, seen, perhaps, but by a single eye—what is it? Can it be a member descending from the gallery down the side of the granite pillar? Surely, surely. His name *was* on the list of absentees; but what right *now* has it there? The doors are barred. The member is in his seat. Record him absent at your peril, Mr. Clerk!

And so, the night is past. "The morn, in russet mantle clad, walks o'er the dew of yonder eastern hill." Daylight looks upon faces pale with watching, and sleepless eyes that scarce take note of its approach. What have the public interests gained? Nothing. What public measure has been con-

summated? None. A motion is made that the House adjourn. Some feeble voice, almost choked in its own utterance, demands the yeas and nays, which have been called, during the night, a dozen times. But there are few or none to back him. The speaker puts the question, and members, whose lungs, but a moment before, seemed to have lost their functions forever, once more take heart, and give a responsive "ay," which tells how welcome their "*mittimus*" will be. But it is not *unanimous*. No; here and there a broken voice, like stray shots from muskets that have missed time in a *feu de joie*, gives out a querulous "no," as if merely from the love of a negative. In fact, it is a matter worthy of remark, that, except in cases of death, we have never seen the House adjourn by a *unanimous* vote. No matter how late or how early—with business before it or without business before it—be it night or be it day—Saturday evening or Sunday morning, some one or more members will surely answer "no." We have frequently communed with ourselves on this strange manifestation of the human mind, but without dispelling its mystery. The nearest approach to a solution that we could arrive at has been, that two or three men did *not* wish a certain thing simply because two hundred *did* wish it; and that, upon the same inexplicable principle of human conduct, if the two hundred had voted *not* to adjourn, the two or three would have insisted upon *adjourning*.

However that may be, the speaker announces, in a tone of ill-suppressed gratulation, that the motion has been decided in the affirmative. The Call of the House has no more vitality left. The doors of the hall are open, and the House adjourns.



E. C. Cabell

CABELL, EDWARD CARRINGTON.

THIS gentleman is one of the youngest members of the House, being only thirty-one years of age. His original "right of way" into the national councils was not undisputed, as will appear before the close of our narrative. He is a native of Richmond, Virginia. His mother is the daughter of Colonel Robert Gamble, who, when a stripling, entered into the American army during our Revolutionary struggle, and served with distinguished success from the commencement to the close of the war. He was an intimate personal friend of General Washington. He left the army after our liberties and independence had been secured.

The father of Mr. Cabell is William H. Cabell, the present President of the Supreme Court of Appeals of Virginia. Judge Cabell was elected to the House of Delegates of that state shortly after he had passed the age of twenty-one. He served in the session of 1798, and voted for the celebrated resolutions which were proposed at that session. A few years after this he was elected governor of the Commonwealth, at the early age of thirty-two, the youngest governor who has ever been elected in that state. During his term of office the trial of the celebrated Aaron Burr took place in Richmond. Soon after his gubernatorial term had expired, he was made judge of the General Court of Virginia in the year 1808, and a vacancy occurring shortly afterward upon the bench of the Court of Appeals, he was elected, in 1811, one of the judges.

The Constitution of Virginia having been changed in the year 1830, it became necessary again for the Legislature to elect the judges of the Court of Appeals, when Judge Cabell received a most gratifying testimonial of their unabated confidence in him, both as a man and as a judge, by his re-election to the station; and in the year 1842, the Legislature elected him President of the Court of Appeals by a unanimous vote—

an office which he now holds. Judge Cabell's decisions are held in the highest respect by the bar and bench, not only of Virginia, but of the whole country. He has preferred that the sphere of his exertions should be confined to his native state, neither seeking nor desiring office from the general government.

Edward Carrington Cabell graduated at the University of Virginia. About the 1st of January, 1837, at the age of twenty, he removed to Florida, and established himself in the county of Jefferson as a cotton planter.

Florida, as is well known, was the first portion of the United States settled by Europeans. Those who returned to Europe spread far and wide the fame of her salubrious climate, her beautiful skies, her noble rivers, her health-giving fountains, and her evergreen forest of live-oak and magnolia. It was the land of flowers, of poetry, and of song. Being a peninsula in the Western waters, it was likened to Italy; and, as in that country, there is poetry and romance in the very origin of this extraordinary land. History and fable seem so blended together as to render it almost as difficult to track the plain line of truth, as it would be to pass directly through Florida's vast forest without pausing to admire the beauty of the magnolia and of the innumerable flowers that bloom in the wild luxuriance of Nature. It may be, indeed, that the calm, clear eye of truth may detect much of the coloring of a rich imagination in the first accounts of this beautiful country; but no one can read these descriptions, and recollect especially the romantic story of the expedition of Ponce de Leon, without being satisfied that a country that could call forth such eulogies and extravagance of enthusiasm from the imaginative Spaniard, must contain much to render a sojourn therein both profitable and delightful.

We read of towns at once springing up on the Atlantic frontier. At St. Augustine are yet to be seen the remains of one of the finest forts in the Union; and though at present neglected and only used as a prison, it is represented as capable of being put into complete repair at a moderate expense. The country around shows that it was once settled and cultivated by the European; and, in fact, up to the time of its purchase from Spain by the United States, Florida exhibited signs of great prosperity. At one time it was not unusual to see three hundred sail in the Roads of Fernandina, a town situated on Amelia

Island, within the Florida frontier. Since this purchase, however, from various causes, its advancement has not kept pace with other portions of the Union. Many of the Spaniards at once left the country, and the troubles among the Indians prevented the coming in of new immigrants to supply their place. After these Indian disturbances had been quieted by the strong hand of the general government, the tide of immigration began to set in this direction; but the savage foe was beaten, not conquered; confined to a narrow portion of the territory, not removed from it. The Seminole war broke out, and continued for many years, until the great body of the Indians were removed to their present home beyond the Mississippi. These causes chiefly have retarded the growth of Florida. But there is every reason to believe that she is now again advancing rapidly in wealth and population, and that the most sanguine expectations which have been formed of her future destiny will be realized.

At the time of Mr. Cabell's removal, Florida was a territory. In the year succeeding that of his arrival there, the people were called upon to hold a convention to frame a state Constitution, and he was elected a delegate from the county in which he resided. In the proceedings and debates of that convention he took an active part.

The admission of Florida into the Union was deferred for several years, owing chiefly to the continuation of the Florida war. In the mean time, Mr. Cabell, not finding sufficient occupation and interest in a planter's life, was admitted to the bar, and found, in a short space of time, that he had as much business as he could well attend to.

It is known that the people of a territory enjoy only partial political liberty, and that the emoluments of public offices constitute the chief inducement to their acceptance. Mr. Cabell continued to urge the admission of Florida into the Confederacy, but, with this exception, paid little attention to public concerns. The act of admission was passed by Congress in March, 1845, and Florida was received as an equal into the sisterhood of states. So long as she remained in a state of territorial dependence, but little interest was felt by her people in Federal politics; but, having assumed the duties and responsibilities of citizens of an independent commonwealth, her people

suddenly awoke as from a long lethargy, and became participants at once in that strong political excitement which seems to constitute an essential part of the nutriment by which the people of the several states of the Union live, and move, and have their being. With the organization of a state government parties were formed. At the first state election, held in May, 1845, the Democratic party swept the state. David L. Yulee, the Democratic candidate for Congress, was elected by a majority nearly equal to one fourth the entire vote of the state. The Legislature having, however, elected that gentleman to the Senate of the United States, and a new election for representative having therefore become necessary, it was ordered to be held in October of the same year. So signal had been the defeat of the Whig party in the month of May previous, that many of its leading men thought it politic to have no candidate of their own to oppose Mr. William H. Brockenbrough, the chosen candidate of the Democratic party. Other portions of the Whig party, not willing thus to surrender their cause without a struggle, invited Mr. Cabell to take the field, to lead what then seemed to be "a forlorn hope." He engaged actively in the canvass, and addressed the people wherever he could bring them together. He was declared to be elected—a result to be attributed mainly, we believe, to his personal popularity.

He took his seat under the commission of the governor of the state. His right was immediately contested by Mr. Brockenbrough. The case was referred to the Committee on Elections, and a report was made by the majority of that committee, declaring that Mr. Cabell was *not*, and that Mr. Brockenbrough *was*, entitled to the seat. The minority of the committee made a counter report.

The discussion and decision of the case occupied several days. It was marked, on the part both of the sitting and contesting member, as such controversies usually are, with some bitterness. The Democratic party, then in an overwhelming majority in the House, was far from unanimous, as the votes will show, in favor of the Democratic candidate. On the second day of the debate, a proposition was introduced by Mr. Sims, of South Carolina, a Democratic member, recommitting the report to the Committee on Elections, in order that any evidences of returns not yet received might be received and reported,

and giving leave to the parties to take testimony in relation thereto. The next day Mr. Cabell adopted this proposition as his own, linking it, however, with another. He said:

"He had risen for the purpose of making a proposition which would probably save much time. It had been intimated by the friends of the contestant that his desire was, that the voice of the people, as given at the polls, should be heard, and should prevail; that he did not wish to avail himself of any technical advantage; but that he was ready to adopt such a course as would enable the House to ascertain how the people had voted. That was precisely his (Mr. Cabell's) object; and it could be accomplished, as he understood, by the adoption of the resolution of the gentleman from South Carolina (Mr. Sims). If the friends of the gentleman (Mr. Brockenbrough) were sincere—or, rather, if the friends of the gentleman spoke for him—and such was his object, it could (Mr. Cabell repeated) be attained by that resolution. To test the matter, he would therefore propose that the resolution should be submitted to the House without further debate; and, if it was the object of all parties, as it certainly was his, to arrive at a knowledge of the facts, this was a mode by which it could be effected.

"I will also," continued Mr. Cabell, "offer an alternative proposition; and if the gentleman (Mr. Brockenbrough) will not meet me on this point—if the resolution is not acceptable to him or to his friends—I will propose that, inasmuch as it is doubtful which of the two have received a majority of the votes of the people of Florida (and I will admit that it is doubtful, although I believe that I have myself received that majority), yet I propose to him that we give this House no further trouble, but that we go back to the people—the fountain-source from which we claim our rights. They are the proper tribunal. I am not afraid of them. I believe that they have once elected me, and that they will elect me again. I am willing to trust myself in their hands, and I believe that they will at once confer a majority of their suffrages upon me."

To these propositions Mr. Brockenbrough declined to accede. We have noticed the spirit of bitterness which pervaded the controversy. When rejecting the alternative proposition, Mr. Brockenbrough said:

"If the gentleman (Mr. Cabell) was, as he alleged, so hur-

ried to come here to perform the duties which he owed to his constituents that he could not find time to state to him (Mr. Brockenbrough) the grounds upon which he meant to meet the issue, he asked him, What had he done since he had been here, that he was now willing to deprive the State of Florida of her elected representative? Had he fortified her harbors? Had he protected her coasts? Had he regulated her land system? What stupendous work had he done that he should be willing to leave that state for several months of this important Congress without a representative, when he had been in such a hurry to come here? No; these were very ingenious movements—movements which showed a part of the same ability by means of which he (Mr. Brockenbrough) had come so near being defeated. The gentleman might be willing to abandon a seat proved to belong to him (Mr. Brockenbrough), but he (Mr. Brockenbrough) could not abandon the duties which he owed to his constituents."

To all this, on the following day, Mr. Cabell replied:

"I scarcely know how I am to proceed to reply to the gentleman's speech of yesterday. From beginning to end it was almost devoid of argument. It abounded in abuse and vituperation of myself, and of those members of the committee who had sustained my position. It was probably the most extraordinary speech ever delivered in a controversy of this character; and I question whether, in the annals of legislation, such an abuse of privilege and of the courtesy of the House was ever known as was yesterday exhibited here. Gentlemen who heard it will recollect its character, and will see that these remarks are justified by it. It contained gross misrepresentations of the conduct of the committee; their motives were impugned; lessons and homilies upon honor, honesty, and morality were read to them. Sir, the committee can protect itself. Probably, before I get through, they will know something of the character of their teacher.

"I regret that I am obliged to express myself in such terms. I regret to find myself placed in a position in which I must use language of retort; but justice to myself requires it. The tone and temper of the gentleman's speech justify me in speaking plainly on this question. The ungenerous, the discourteous, and, were it not that I might violate the rules of order, I would

say, the impudent assertions of the gentleman, excited in my bosom nothing more than a feeling of sovereign contempt. He has undertaken to arraign me before this House—to hold me up to the House and to the country as derelict of duty. He says that I have remained here for five or six months, and done nothing. He asks why I have not procured the adoption of measures to fortify the harbors of Florida, to protect her coast, to regulate the land system, and to do various other things, which I do not at this moment remember, but which will, no doubt, be in the recollection of this House. Sir, this is a matter between myself and my constituents; it is not an argument to address to this House. Has it come to this, that because, in the opinion of one individual, a member of this House has not been diligent in the discharge of his duties, therefore his right to represent the people who sent him here is to be taken from him? I might, with equal justice, demand of every member of this House what *he* has done? what bill *he* has caused to be passed? what *he* has done for the protection and defense of the country, in the state of imminent peril of war which now threatens her. Sir, if the gentleman's argument is good as to one member, it is equally applicable to others; and, according to his rule, we should see many vacant seats here. I should blush to listen to such remarks and such arguments, even on the stump. I will only say, further, that I have not thrust myself forward upon the discussion of every question that has come before this House. I may have been, in some degree, ignorant of the rules of parliamentary proceeding. Probably, when I have been longer a member of this body, I shall have it in my power to accomplish more in a short time than I can now. But I say to the gentleman, and to my constituents, that I have diligently and faithfully attended to every matter of business that has been intrusted to me. Nothing committed to my charge has been neglected, and, if I have not done so much as I could desire, or as, perhaps, was expected from me, it is to be attributed to the difficulties thrown in my way by the attempt of the gentleman to deprive me of that right which I claim that the people of Florida have conferred upon me."

On the following day, January the 24th, 1846, the house ejected Mr. Cabell from his seat by a vote of one hundred and five

against seventy-nine, and forthwith gave it to Mr. Brockenbrough by a vote of one hundred against eighty-four; Mr. Chipman, one of the majority of the Committee on Elections, voting against both these proceedings. An examination of the votes will show a commingling of parties; and so little satisfied did the House itself appear to be with its own decision, that a motion to reconsider the last vote, with the design, also, of reconsidering the first, for purposes of further investigation, failed by four votes only.

Mr. Cabell returned, therefore, to his people, but carried with him, as we had reason to know, the respect and consideration of the very body which had thrust him beyond its bar. Confident in the justice of his cause, but singularly modest and unaffected in his manners, he had won rapidly upon the good feeling of the House, not less by his personal deportment than by the manly, yet well-tempered independence with which he defended a right that he sincerely believed to be his.

Mr. Brockenbrough retained the seat during the residue of the twenty-ninth Congress. But on the 1st of October, 1846, a representative in the thirtieth Congress having to be chosen, Mr. Cabell was, as a matter of course, the candidate of the Whig party. A Democratic Convention, setting aside the name of Mr. Brockenbrough, nominated Mr. William A. Kain, a gentleman who, it was believed, could unite the entire vote of his party. Mr. Cabell was again elected, and took his seat as the representative from the State of Florida.

The accompanying letter from him concerning the election of Speaker of the thirtieth Congress [see title, R. C. WINTHROP], contains matter of public interest, which entitles it to a place here:

"*To the Editors of the National Intelligencer:*

HOUSE OF REPRESENTATIVES, *January* 13, 1848.

"GENTLEMEN,—Since the election of Speaker of the House of Representatives, the Southern Democratic papers have been filled with denunciations of Southern Whigs who cast their votes for the Honorable Robert C. Winthrop. The last mail brought me a budget of these papers from my own state, containing the most illiberal and abusive articles of myself, with such choice expressions as 'Traitor to the South,' 'False to *his own* country,' &c., for voting for 'THE ABOLITIONIST WINTHROP!'

"The editorial corps in other states have probably had more regard for propriety, decency, and truth, than some of the Democratic editors in Florida; but there are certain facts connected with the election of Speaker of the House of Representatives which are of sufficient general interest to justify me in asking a place for this communication in the columns of your paper.

"I yield to no man in devotion to the rights and interests of the South. As a *Southern man*, I most cheerfully gave my vote for Mr. Winthrop, and mean to make no apology for it. All admit his fitness for the office of speaker. No member of the House is perhaps better qualified to discharge its duties.

"By far the greater number of the speakers of the House of Representatives have been *Southern men.* At the commencement of the present session, the Northern Whigs presented a candidate peculiarly qualified, from his talents, high character, gentlemanly deportment, and parliamentary experience. He was elected, not one Southern Whig voting against him. To have opposed his election *because* he represented a constituency whose institutions do not tolerate slavery, would have been an act of madness and criminal folly. It would have been suicidal —*fatal to the South.* By so doing, Southern representatives would indeed have shown themselves 'TRAITORS TO THE SOUTH.'

"It is well known that the South is in a minority in the Congressional and electoral representation. What would be our condition if *we* take the position that we will not support a man for even a *secondary office* who does not come from our own section of country? Will not the North retaliate? Can it be expected that the people of the *free states* will give to us the monopoly of *all the* offices of government? They *can* control all of our important elections, and will not submit to such unreasonable exactions on the part of the South. Is it wise in us to forget the admonitions of the Father of his Country, who counseled us to beware of *sectional issues?* Shall we wantonly seek to involve ourselves in angry strife and bitterness of feeling with our Northern brethren, and court a geographical contest, in which every advantage will be on the side of those we would make our enemies? The true policy of the South is to be *firm in the maintenance of its rights, but to be* JUST.

"The Whig party, North and South, is characterized by a

spirit of conservatism. It embraces in its comprehensive view the *whole country*. It is not influenced by a narrow, contracted, selfish, sectional policy. At this moment, it is well known that most of the *Northern Whigs* are willing to cast their vote for a *Southern man* for President of the United States. And shall it be said that we of the South should force upon them a geographical issue, and *compel* our Northern friends to vote for a Northern man, and thus elect a Northern president, Northern speaker, Northern clerk, Northern officers of all kinds, and establish a Northern government?

"The accomplished Speaker of the House of Representatives, in his own state, resisted successfully the adoption of the principle upon which Southern Democrats insist that Southern Whigs should have acted. At the Springfield (Massachusetts) Convention, held in September last, a resolution was offered 'that the Whigs of Massachusetts will support no man for the office of President and Vice President but such as are known, by their acts or declared opinions, to be opposed to the extension of slavery.' Mr. Winthrop opposed and prevented the passage of this resolution, avowing his determination to support a *slaveholder* for the presidency, should he be the candidate of the Whig party.

"It was the *duty* of Southern Whigs to sustain such a man. I could not reconcile it to myself to adopt a false principle of action which this gentleman had repudiated, and make him the first victim to Southern selfishness, by refusing to vote for him as presiding officer of the House of Representatives, after he had pledged himself to vote for the Whig candidate as presiding officer of the nation, should he come from the *section of the country* I represent.

"The *unpardonable sin* which Mr. Winthrop has committed was in offering a proviso to the Oregon Bill, at the second session of the twenty-eighth Congress, to the effect 'that there shall be neither slavery nor involuntary servitude in the said territory otherwise than in the punishment of crimes whereof the party shall have been duly convicted.' For this, any language fails to furnish words strong enough to express the indignant feelings of the Richmond Enquirer and other Democratic papers in my own and other Southern States. What will the country think of the affected indignation and pretended devo-

tion of these journals to Southern rights, when it is told that Mr. John W. Davis, the late *Democratic* Speaker of the House of Representatives, voted for this same 'iniquitous *proviso*,' and that the name of Mr. Davis is found recorded with that of Mr. Winthrop throughout the whole of the proceedings of the House on the said Oregon Bill? And what can exceed the impudence of these *exclusive* friends of the South in their present hypocritical professions? Every Democratic representative of the last Congress voted for Mr. Davis. If these Democratic editors really believe that the Southern Whigs who voted for Mr. Winthrop have, by so doing, proved themselves 'traitors to the South,' what term, according to their own confessions, should be applied to them for their support of a man for the identical office whose votes are identical with those of Mr. Winthrop?

"The Richmond Enquirer, speaking of this subject, says: 'But this did not satisfy Mr. Winthrop. On the 1st of February, 1845, when the bill was under consideration, he moved, as a section to the bill, the *identical proviso* which is at this time called the Wilmot Proviso.' This assertion has been made and repeated in most of the Southern papers. I hold them to it, and 'out of their own mouths will I condemn them.' Mr. John W. Davis voted for this proviso. The Democrats of the last Congress stand self-convicted of having elected to the speakership an advocate of the '*identical proviso*' introduced by Mr. Wilmot. I do not regard Mr. Winthrop's proviso 'identical' with Mr. Wilmot's. The Democrats say *they do*, and, so believing, voted for its advocate.

"The offense which the Southern Whigs of the present Congress have committed is, not that they have voted for a gentleman who sustained the anti-slavery proviso to the Oregon Bill, but that they have elected a *Whig* speaker of a Whig House of Representatives. Had Mr. Winthrop been a *Democrat*, he would have been eulogized by his present revilers as 'a Northern man with Southern principles.'

"After this '*infamous proviso*' had been appended to the Oregon Bill, every Southern Democrat but THREE *voted for it*, Mr. Winthrop voting *against* the bill with the proviso, and Mr. Davis voting *for it*. (See House Journal, second session, twenty-eighth Congress, pages 318 to 322 inclusive.)

"I make no apology for Mr. Winthrop for having introduced

this proviso, though he voted against the bill, much less can I justify Mr. Davis, who voted both for the proviso and the bill. Southern Democrats, who voted with him, can doubtless make an excuse for him.

"The charge of want of fealty to the South comes with a bad grace from gentlemen who supported Mr. Davis, and most of whom contributed to the election of Mr. Van Buren, who acknowledged the 'right of Congress to abolish slavery in the District of Columbia,' and who, in the New York Convention, voted to place *free negroes* on a footing with *whites*.

"It is charged that this proviso to the Oregon Bill was the origin of the famous 'Wilmot Proviso;' but it will be found, by reference to the same journal, page 260, that another bill had been *previously passed* which may justly claim the paternity of this distinguished offspring. I allude to the 'joint resolution for the annexation of Texas.' The third 'condition' on which 'the consent of Congress' was given to the annexation of Texas, concludes thus:

"'And such states as may be formed out of that portion of said territory lying south of thirty-six degrees thirty minutes north latitude, commonly known as the Missouri compromise line, shall be admitted into the Union with or without slavery, as the people of each state asking admission may desire; and in such state or states as shall be formed out of said territory north of said Missouri compromise line, SLAVERY OR INVOLUNTARY SERVITUDE (except for crimes) SHALL BE PROHIBITED.'

"*This is the true, bona fide Wilmot Proviso.* Mr. Winthrop's proviso applied to territory *already belonging to the United States*, and which properly came within the principle of the Missouri compromise; but here we see the principle for the first time extended to *foreign territory*, and we find every Southern Democrat, *our special and peculiar friends*, with Mr. John W. Davis, voting for it! Mr. Wilmot proposes that his proviso shall extend to all territory *hereafter to be annexed;* this 'condition' was applied to territory *thereafter* to be annexed.

"The entire Democratic party, except Mr. Holmes, of South Carolina, voted for Mr. B. B. French* for the office of clerk at

* Mr. French, in a letter to the editors of the "National Intelligencer" of a subsequent date, declares that he has at all times been "*emphatically against*" the Wilmot Proviso.

the very time they were condemning the Southern Whigs for having voted for Mr. Winthrop; and I have not heard a *suspicion* expressed that Mr. French was opposed to the 'Wilmot Proviso.'

"The war against Mr. Winthrop, and those who voted for him, has been renewed at the South because of his late vote to refer certain abolition petitions to one of the standing committees of the House.

"A *Whig House of Representatives* (the twenty-seventh Congress) refused to repeal a rule forbidding the reception of abolition petitions. The twenty-eighth Congress, having, as I am informed, about seventy Democratic majority, *did repeal* this rule. On the 10th of December, 1844 (see House Journal, second session, twenty-eighth Congress, page 48), Mr. Adams offered a petition praying the abolition of slavery in the District of Columbia. On the question, 'Shall the petition be received?' the vote stood, yeas 107, nays 81. (Page 50.) Among the yeas were Messrs. John W. Davis and R. C. Winthrop. A motion to lay on the table was lost (page 51). The petition was referred to the Committee for the District of Columbia. (Page 52.) These petitions continued to be referred to the committees after that time. In the present House of Representatives, which has a small Whig majority, the vote, on one occasion, was equally divided, and made the vote of the speaker necessary, a circumstance which never occurred with the twenty-eighth Democratic Congress, in which these petitions were referred without the aid of the speaker's vote. It is now pretended that 'Mr. Winthrop's vote has let in a flood of abolition petitions' to disturb the peace of the country. This 'flood was let in' by the vote on the petition presented by Mr. Adams in December, 1844, for the reception of which Mr. Davis voted, as well as Mr. Winthrop. What Democrat refused to vote for Mr. Davis after this vote? None. And why this denunciation of Mr. Winthrop? There is but one answer: Mr. Davis is a Democrat, and Mr. Winthrop a Whig! Their acts are the same, but their offense widely different!

"It is well known to those who are engaged in this unholy purpose to stir the blood and exasperate the feelings of the South on this delicate subject of slavery, that the object of the Abolitionists can be obtained, so far as the reference of their petitions

is concerned, without a vote of the House, simply by presenting them at the clerk's table. They have been repeatedly so referred. This is the course approved of by Mr. Winthrop. The committees have in all cases reported them back to the House, and asked to be discharged from their consideration. I, in common with most of the Southern members, have opposed their reference. But the idea that the reference of one of these petitions to a committee by a Whig House of Representatives renders our slave property less secure than the same reference which had frequently been made by a Democratic House, is too palpably absurd to deserve a moment's consideration.

"The new-born zeal of the Democratic journals, and their hypocritical cant about the 'invasion of the rights of the South,' 'the South in danger,' and such stuff, proceeds from no peculiar devotion to the South, but from blind partisan feeling, which makes them applaud or overlook in one of their own party what they condemn in a political opponent.

"It is further charged that the Whigs of the South, in voting for Mr. Winthrop, 'voted for an *Abolitionist*.' I am not charitable enough to believe that this is not a *willful misstatement*. These journalists *know* such not to be the fact.

"Mr. Winthrop is opposed to the further extension of slavery. But what Southern heart does not beat in unison with the following patriotic sentiment, proposed by him at a festival in Fanueil Hall, on the 4th of July, 1845:

"'*Our country:* bounded by the St. John's and the Sabine, or however otherwise bounded or described, and be the measurements more or less, *still our country*—to be cherished in all our hearts, to be defended by all our hands.'

"I shall not stop to defend Mr. Winthrop against this malicious accusation. Every man who reads knows the bitterness of the abolition opposition to him in his own district. The Abolitionists in the House of Representatives refused to vote for him, because, *in their opinion*, he was not 'sound on the question of slavery.' You have only to refer to *any* abolition paper of late date to find it filled with abusive articles of Mr. Winthrop. Northern *Abolitionists* and Southern *Democrats* are equally violent in their denunciations of him and those who voted for him.

"The object of this communication, I repeat, is not to make

an *apology* for my vote for Mr. Winthrop—I can not apologize for doing what is *right*—but to expose the hypocrisy and misrepresentations of Southern Democratic editors, who are either willfully or ignorantly misleading the honest people of the South.

"Very respectfully, your obedient servant,

"E. C. CABELL."

BOWLIN, JAMES BUTLER.

THIS gentleman was born in the county of Spottsylvania, Virginia, in the year 1804. His parents, who were poor, but respectable, removed with him to the Valley of Virginia, and settled in Harrisonburg, Rockingham county, where he was brought up and educated. He was reared a mechanic, but, having obtained a common school education, ordinarily good, he early abandoned his trade, and for some years alternately taught and went to school, with the design of preparing himself for the bar. In the latter part of 1825 he removed to Greenbrier county, Virginia. He commenced the study of the law in the following year, and was admitted to the bar in the spring of 1827. For six years he practiced in the courts of Western Virginia with a reasonable share of success; but, finding the profession too crowded, and the theater of action too small for a full development of his energy of character, he resolved upon emigration to the West. In September, 1833, he left Virginia, and on the 19th of October landed at St. Louis, where he has since resided. We have heard him speak in terms of grateful acknowledgment of the encouragement and kindness which he received at this period of his life from the late Senator Linn. He says: "A stranger in a strange land, he extended to me the hand of fellowship and welcome, encouraged me by his counsels, and animated me by the buoyancy of his own generous heart."

On his arrival at St. Louis, the great political struggle between the United States Bank and the general government was at its height. He found there two Whig papers supporting the bank, and no Democratic paper to sustain the administration in the contest. Unwilling to be idle, and dreading the usual ordeal through which young attorneys have to pass in a strange place, he determined upon starting a paper, and employing his leisure time in sustaining the principles upon which the government was then administered. He accordingly purchased


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an old press and types, and started, in the last week of November, 1833, a paper called "The Farmer's and Mechanic's Advocate," which became the foundation of a permanent Democratic journal. The nerve and talent with which he conducted that concern, at a time when both these qualities were peculiarly demanded, are highly spoken of. His probation was marked by several of those personal collisions and encounters which, in early times, were the common incidents of a residence in frontier towns.

In November, 1834, he was elected chief clerk of the House of Representatives of Missouri, but continued to write for his paper until it changed hands, in January, 1835, and became the "Missouri Argus." In the spring of that year he returned from the seat of government, and devoted himself, with unusual success, to the practice of his profession. In the spring of the following year he was nominated to the Legislature by the Democratic party. Out of six representatives and two senators, he was the only Democratic candidate elected from the county, leading his own ticket. His course in the Legislature was distinguished by energy, industry, and devotion to the great principles of public liberty. In the same year he was married to Margaret Virginia Colburn, daughter of a widow lady of St. Louis. In the spring of 1837, without any solicitation on his part, he was appointed district attorney for St. Louis; but, finding that the office interfered too much with his practice, he resigned it in about six weeks. In the same year he was elected attorney for the Bank of Missouri, which office he held for several years. In 1838 he was again nominated by his party for the Legislature, and, after one of the fiercest political contests ever witnessed in that county, the whole ticket was defeated.

In February, 1839, he was elected, by both branches of the Legislature, judge of the Criminal Court of the city and county of St. Louis. At the period of his election to the bench, St. Louis, as our readers will recollect, had become somewhat notorious for its mobs, and for a manifest disposition among many to take the law into their own hands. In his first charge to the grand jury, he made an earnest and eloquent appeal to that body in regard to this evil, demanding that the supremacy of the laws should be fearlessly maintained against those self-constituted tribunals familiarly known as "Lynch Courts."

He holds this language:

"There is another subject, gentlemen, to which I feel bound to call your attention, and I do it with regret, not from any sympathy for these offenders, but a regret that the barbarous and inhuman offense should be found to exist in our community. I allude to combinations and conspiracies to invade and trample upon the rights of the citizen, and subject them to the most excruciating tortures and eternal disgrace, under the pretense of executing public justice. These self-constituted ministers of private vengeance pretend to be acting in aid of those laws which they are trampling under foot, and whose authority they are spurning with contempt. This practice of *Lynching* has grown in this community to a most odious and alarming extent, and is rapidly approaching to that crisis when no man's life, liberty, or honor is safe.

"It is no uncommon occurrence to read in the daily prints such announcements as these: Such an individual, being suspected of larceny, was taken out by a party of men and unmercifully scourged; or, a man arrested on a charge of felony, having manifested his innocence, was discharged, and on the same night dragged from his house and scourged until his whole body was completely lacerated. And we read these things and wink at them, and still flatter ourselves that we live in the land of religion, liberty, and law. Even the public press, the boasted palladium of our liberties, whose duty it is to scourge vice, and hold it up to view in all its deformity, have ceased to comment upon these scenes—scenes that would put the fancied tortures of the Inquisition to the blush—and in the phrase of courtly humility to the violators of the law, tender its announcement to the public as a banquet of news, without comment, without condemnation.

"In such a state of affairs, where is the unguarded citizen to look for the protection of his rights, or the people to look for the maintenance of the supremacy and dignity of the laws? They look to you, gentlemen—to the tribunals which they have established—for ferreting out and punishing crime; and in the exercise of your functions you will receive their countenance and support. They will give you aid proportioned in its energy to the love they bear to virtue, morality, and the institutions of their country; and we have the proud consolation to

know, gentlemen, that our destinies are cast among a people who have intelligence enough to appreciate the laws, and virtue and integrity to see them executed with fidelity—a law-respecting, a law-abiding people. And if there are persons disposed to do violence to the laws they have contributed to establish for mutual protection, there is virtue enough in the remainder to arraign and punish them, re-establish the supremacy of the violated law, and present, in the character of the violator, an example to be abhorred and shunned. In our system of government, where the people are the makers and the executors of the laws, every thing depends upon their virtue and intelligence; and whatever has a tendency to promote these ends, has a direct tendency to enhance the blessings of civil liberty. If those to whom are confided the administration of the laws, close their eyes to the most wanton violations, to scenes of cruelty that are more characteristic of a barbarous age than the age of enlightened freemen—until the citizen, goaded to despair, is forced to take up arms for the security of those rights against mob authority for which the prostrate laws afford him no protection—in such a state of civil society, where is the beauty, strength, and grandeur of the republic? But we will not despair: the people have virtue, intelligence, and energy; and while there is virtue and intelligence enough in the community to respect the laws ordained by freemen for the government of themselves, and energy enough to execute them without fear, favor, or affection, that community has a higher security for the protection of her rights than walls of brass could afford her. The integrity of her electors and juries is her brightest shield.

"But, gentlemen, aside from the demoralizing influence of such scenes, the most novel and dangerous characteristic of this new tribunal is, that innocence, instead of being a shield, is but the foundation of accusation and punishment. Indeed, gentlemen, strange as it may seem, it is the very groundwork of the odious system to punish those against whom they can not array legal proof of crime. The humane principles of law, as well as of sound morality, presuming all men innocent until the contrary appears, it resolves itself simply to this, that this new tribunal is established to punish innocence and glut private vengeance. If a party accused is found to be guilty, he is condescendingly, by this tribunal, turned over to you, the constitu-

ted authorities of the country; but if, on the contrary, he dares to manifest to the world his innocence, it is then he is to be dragged from his habitation, under the silent cover of night, and subjected to the torture and the scourge: and this is done under the feigned pretense that the law is not sufficient for the purposes of public justice. In conclusion, gentlemen, it is with you to say whether the annals of our fair country are to be stained by a repetition of these outrages upon community; whether the authority of the laws are longer to be spurned with contempt; or whether you will, by a faithful discharge of your duties, wipe the foul blot from the pages of your country's history, and re-establish the supremacy of law, order, and morality."

This charge raised a violent storm against the judge, but the press and the better-thinking portion of the people rallied to his support; a number of the offending parties were indicted, and the growth of the evil was checked. He entered upon the duties of his official station amid a storm of political prejudices; and he resigned the office three years afterward amid the regrets of the whole community, as well political foe as political friend.

In June, 1842, ex-President Van Buren, in his tour through the West, visited St. Louis upon the invitation of the citizens, irrespective of party. A brilliant reception was given to him. Mr. Bowlin delivered the address, welcoming the distinguished visitor, and tendering him the hospitalities of the city. The following brief paragraph from one of the public journals gives some account of the scene:

"The remarks of Judge Bowlin, and the proof that he spoke the real feelings of the citizens, which was given by the repeated plaudits of the vast concourse, must have been highly gratifying to the city's guest. The street in front of the Planter's House, for the distance of nearly the whole square, was densely thronged by spectators, anxious to get a glimpse of the ex-President, and to hear the remarks made on the occasion. The windows of the hotel were filled with ladies, who manifested the interest they felt in the festivities of the day by the waving of handkerchiefs during the cheers of the crowd in the street."

In the same year, Mr. Bowlin was nominated by the State

Convention of Missouri as a candidate for Congress, and in the following August was triumphantly elected, upon the general ticket system, a member of the twenty-eighth Congress. Since then he has been successively chosen to represent the same district in the twenty-ninth and thirtieth Congress.

Up to the date of his first election in 1842, the State of Missouri, under Democratic rule, had set her face steadfastly against banks and banking. She had one small bank, under stringent restrictions; but the general character of her currency had continued to be specie, except in the commercial metropolis, where the paper of other states had obtained a considerable circulation. After the general downfall of the banks in 1837, the practice of pushing all kinds of depreciated or worthless paper into this state, to monopolize the produce of the country, rapidly increased, until it is represented to have become an intolerable burden upon the agricultural interests. The *modus operandi* was for capitalists at the commercial metropolis to borrow large amounts of this paper, give it character by redeeming it until it all got out into the rich produce of the country, then declare it no longer redeemable, and let it go down in the hands of the laboring and productive classes.

To counteract this serious evil, the Democratic party arrayed itself against the introduction of such paper into the state, and demanded legislative restriction against it. The Legislature, at the session of 1838–9, made a vigorous effort to pass the first "Currency Bill," as it was called, but it was defeated by the defection of a few Democrats in the Senate. The evil continued and increased, until, at a subsequent session of the Legislature, the Democratic party passed a bill which put a decided check upon it.

During all the fierce conflicts of political opinions upon this Currency Question, and the defections which resulted from them, Mr. Bowlin was a leading advocate in the commercial metropolis of currency reforms, and, of course, became the peculiar object of denunciation and abuse; but he maintained his position with unyielding firmness.

Although the people had, at the August election of 1842, chosen an overwhelming majority of Democrats in favor of currency reform, yet, upon the meeting of the Legislature in November, it was discovered that a considerable defection in the

ranks had in the interval taken place. The party seemed to be upon the verge of an open betrayal into the hands of their opponents, when an able and powerful article, under the title of "the War begun," exposed and checked the intrigues that were going on, and, by threatening a personal exposure of the parties who stood ready to betray their constituents, caused many of them to pause, reflect, and fall back upon their principles. This article was immediately followed by the introduction into the Democratic Association of St. Louis, by Judge Bowlin, of a series of resolutions, declaring the abstract principles of the Democratic party upon the currency, which, though denounced by the press, and contested inch by inch in the association, and finally voted down, were every where received, and warmly approved, by the democracy of the state. They were in the following words:

"*Resolved*, That the Independent Treasury system, as designed in the political philosophy of the patriot Jefferson, and established under Mr. Van Buren's administration for the first time, summarily repealed during the first months of Federal supremacy, is the only safe, proper, and constitutional mode of collecting, keeping, and disbursing the public moneys; and we cordially approve now, as we have done on all former occasions, that feature of the act which limited the receipts and disbursements of the treasury, ultimately, to the constitutional currency of gold and silver.

"*Resolved*, That the war which the democracy of the nation have been for years waging against the United States Bank, and which has ended in the exposure and destruction of that most corrupt and profligate institution, was a war, not against that bank alone, but against the corruptions of, and abuses practiced under, our banking and paper-money system; and they will not now, after having proceeded thus far in the good work, lay down their arms, until those corruptions and abuses are corrected, or the system, if past all cure, eradicated.

"*Resolved*, That we deprecate the attempt to charter any new banking institutions any where, or to give new privileges and immunities to those already in existence, believing that there are already in the country more than enough to secure all proper ends for which such institutions are created.

"*Resolved*, That we approve of the invincible firmness of

the nineteen Democratic senators in the State of Missouri who have voted down the proposition to authorize the Bank of the State of Missouri to issue five dollar notes, believing that such a measure is calculated to retard the progress of Democratic reform, to exclude the precious metals from the country, to stimulate the bank to excessive issues, and to hold out a prospect of relief to the indebted which is altogether illusory.

"*Resolved*, That it is necessary, for the purification of our currency, that the shinplaster issues from foreign states should be excluded from our state, so that all the smaller channels of circulation should be filled with gold and silver; and we earnestly recommend to our Legislature, now in session, to adopt measures to restrain the circulation of notes of a less denomination than those issued by our own bank."

The advocates of these resolutions were denounced as "Hards," in allusion to their being the supporters of a hard-money currency, while they retorted upon their assailants the title of "Softs," in allusion to their being the vindicators of "shinplasters," as they were called. These titles spread throughout the state, and distinctly marked political parties. It was the policy of the "Hards" to keep open the discussion, and of the "Softs" to smother it. The former succeeded in keeping up a weekly discussion for several months, until the resolutions had done their work, when, at a meager meeting of the association, not a fourth of its members being present, the "Softs," it is asserted, were permitted to perpetrate a political suicide by voting them down.

In the mean time, the Legislature had passed the Currency Bill, and refused to permit the bank to issue small notes, thus, in the judgment of Mr. Bowlin, devising a sovereign remedy for the evil, and putting a final seal upon Softism and its advocates. The "Softs," however, did not disband, but kept up their party distinction, and in 1844 made a ticket for Congress, which was jointly supported by them and the Whigs, and suffered an overwhelming defeat, when "Softism" was literally blotted out in every part of the state save St. Louis. Here they kept up a partial organization for the district election of 1846, when they put a third candidate in the field. Mr. Bowlin triumphed by a large majority over the united vote of his competitors. With this victory in the strong-hold of "Softism," the parties again became united.

On his election to the twenty-eighth Congress, his name was pressed by many of his friends, and taken up by many of the leading papers of the West, as candidate for speaker. But, upon his arrival at Washington, finding that there was no fixed determination to bestow the speakership on the West, and that, in the conflict between him and his most worthy and successful competitor from that region, John W. Davis, of Indiana, its claim would be hazarded, Mr. Bowlin promptly retired.

Representing, in part, one of the states which had failed, or refused to comply with the law of Congress requiring elections to be held by single districts, the right of Mr. Bowlin to a seat, like the right of all the other members from the non-complying states, was challenged on the first day of the session. [See title, HOWELL COBB.] It is enough to say that the claims and rights of the State of Missouri on that occasion suffered no detriment in his hands.

At an early period of the session, he gave evidence of that zeal in behalf of the interests of the West which has marked his whole course in Congress, especially with reference to the navigation of its rivers. He argued that these rivers being of national importance, the government was called upon with as much justice to make improvements on the shores of the Mississippi as on the shores of the Atlantic. He spoke of the great extent of coast in the Valley of the Mississippi; of the rich and fertile lands, whose products were transmitted to market through that channel; of the great number of steam-boats employed in navigating those waters; of the extent of their tonnage, and the large number that were annually sacrificed on the unremoved snags, with the value of the property thus lost. "The history of the world," he said, "presented no example of an amount of destruction of property and loss of life equal to that which was yearly occurring on the rivers of the West. When they heard of a disaster upon the Atlantic, they were naturally shocked; but disasters upon the Western rivers had become so common, that they were announced in the newspapers merely as the ordinary occurrences of the day. *They were not even announced as calamities.*"

He was the early friend of Texas and Oregon. He hailed the admission of the former into the Union with delight, and he saw the scepter of the latter depart from our grasp with feel-

ings of unmitigated regret. Believing, to use his own language, that "it was a question of right on one side and bold pretension on the other—of clear title on the one hand and mere pretext on the other," he stood boldly up with that small minority of his own party who, in the House of Representatives, demanded the occupation of the territory to the full line of 54° 40′. [See title, STEPHEN A. DOUGLAS.]

He has at all times exerted himself to engraft the *graduation* and *reduction* principles upon the land system of the United States, and has vindicated and expounded Western interests with a clear and comprehensive perception of the great results which depended upon them. Among the more local concerns to which his attention has been directed, we particularly notice the erection of a marine hospital at or near St. Louis.

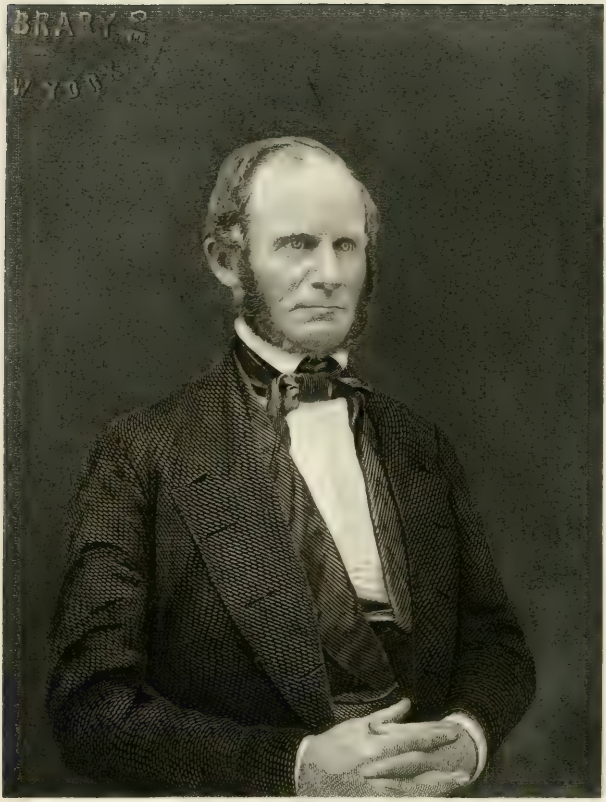
It is almost superfluous to say that he has voted with a ready hand all the appropriations for the Mexican war, at the same time defending the proceedings of the President, who, he said, "had done nothing but what he was bound to do by the most solemn obligations of patriotism." To sustain this war, he was willing, when the bill to raise additional revenue was under consideration, to vote for a tax on tea and coffee; and he recorded his name in opposition to the Wilmot Proviso.

Upon the return of Colonel Doniphan's regiment of Missouri Volunteers in 1847, from their perilous march through Mexico, crowned with a succession of brilliant achievements, the citizens of St. Louis determined to give them a reception worthy of their gallant deeds. Neither expense nor labor was spared in making the reception a magnificent affair. On this occasion, Judge Bowlin was selected by his fellow-citizens to deliver the speech, welcoming them back to their homes from the dangers and turmoils of a perilous campaign, and tendering them the hospitalities of the city. In the discharge of this duty, he delivered an address, breathing the noblest sentiments of patriotism, which was repeatedly interrupted by the plaudits of the immense concourse of citizens and soldiers. He bade them a warm and hearty welcome back to their cherished homes in the name of a city proud of her identity with their gallant achievements. He assured them that they were performing no idle ceremony, but tendering them the spontaneous homage due to their patriotism, their valor, and their self-sacrificing devotion to their

country. He told them that, as their countrymen, the people of the state felt proud in sharing that halo of glory which their gallant deeds had thrown around the name of the "Missouri Volunteers"—a title they had "baptized with their blood, and laureled with brilliant victories."

He presented them with the most glowing picture of their country, her prosperity, and her brilliant victories achieved at other points, while they were literally buried for nearly a year amid the mountains and valleys of Mexico. He then went into a detail of their own most extraordinary march, with its battles, its perils, its dangers, and its privations, and concluded as follows:

"In conclusion, I again bid you welcome to the shores of our own Missouri—welcome to her proud and favored city—welcome to the hospitality of her people—welcome to all that a generous and chivalrous heart casts at the shrine of valor—welcome to the homage due to the brave—welcome to our hearths and our hearts."



E. B. Holmes.

HOLMES, ELIAS BELLOWS.

THIS gentleman is to be classed among the public men of our country, of whom so many have their record in these pages, who owe to their own indomitable energy the signal success they have achieved in life. He was born in the town of Fletcher, Vermont, May 27th, 1807. At the age of sixteen years, his parents being dead, he was left destitute of property, with a younger brother and two still younger sisters dependent upon him. Five years previous to this time, owing to the straitened circumstances of his father, he had worked for a neighbor at the pay of six dollars per month, in order to procure means to defray the charge for attending the district school, and other personal expenses. At fifteen he took upon himself the office of instructor, and continued laboring during the summer and teaching during the winter, until the decease of his father. After that event, the means acquired through teaching and other personal efforts enabled him not only to educate his sisters, but also to prepare himself to enter upon the study of the law. In 1827 he removed to Pittsford, Monroe county, New York, where he entered, as a clerk and student, the law office of his uncle, Ira Bellows, with whom he remained until, in October, 1830, he was admitted to practice in the Supreme Court of the state. In February, 1831, he established an office at Brockport, then a thriving village in Monroe county, where he still resides. He soon found himself in the prosecution of a successful and lucrative practice, to which he gave his personal attention until 1837. In 1835 he was married to Maria, daughter of Hiel Brockway, of Brockport. He has two sons and one daughter living. In the mean time he had made large and somewhat fortunate investments in real estate, as well as in mercantile and other branches of business. Unremitted application, however, had somewhat impaired a constitution naturally vigorous, and he therefore entered into a partnership by which he was reliev-

ed from the necessity of giving his personal attention to the business of his profession. He was thus restored to a state of comfortable health. In the year 1844 he was nominated as representative from the twenty-eighth district, comprising the county of Monroe, and was elected by a strong majority to the twenty-ninth Congress. Of that body he was not a *speaking* member, but, like many of the best, though least-known men in the national councils, a *working* member, uniformly in his seat, and scrupulously attentive to the business of the House. He belongs to the Whig party, whose confidence he enjoys, and whose principles he maintains and defends.

As an exception to the generally silent votes which he has given on matters of public concern, we note a speech delivered in the House, developing his views on the causes and policy of the Mexican war, and which is understood to have been so acceptable to his constituents as to have contributed to his re-election, by a largely-increased majority, to the thirtieth Congress. He had voted in favor of the act of the 13th of May, declaring the existence of a state of war with Mexico; first, however, having endeavored in vain to introduce an amendment to the first section, declaring that its provisions should not be "deemed to apply to that portion of the country west and south of the River Nueces, except so far as to withdraw, and, if need be, to rescue our army from the region of the Rio Grande." [See title, Robert C. Winthrop.] Some weeks subsequent to this vote, he found opportunity to explain his reasons for the course he had taken. He believes the war to have been, from the outset, wantonly provoked and unconstitutionally commenced. Referring to the vote he had given, he says:

"Our army was in peril. The last that we heard from them was, that a part of them were prisoners of war, and the balance were short of provisions, and surrounded by ten thousand Mexicans. Whether they had been relieved, had relieved themselves, or at that moment were prisoners of war, on their way to the City of Mexico, was not known. I was for protection, and, if need be, for rescue at all hazards. Fifty thousand volunteers and ten millions of money were asked for by the President. In my judgment, this was necessary, if our army had been captured. I could not, by any act of the majority, be prevented from voting for those supplies and succor; when the

majority tacked on the preamble, with a view to make political capital and shield the President, I still determined to vote the aid which I desired to grant, and content myself with protesting against that portion of the bill, the phraseology of which I could not prevent, but which I did not approve, as false and deceptive. In despite of your gag, I did so. The gentleman from Virginia (Mr. Dromgoole) took occasion, on this floor, to allude to this, and declared that the vote for this war bill would live when the *protest* shall have been forgotten, and tauntingly exclaimed, 'I envy not the man who will vote for the affirmance of falsehood, and then openly proclaim the same.'

"Sir," said Mr. Holmes, "I can truly tell the honorable gentleman that he need not 'envy' the man who, for political effect, is forced to have his feelings of morality and of patriotism weighed in the balance—pitted against each other. He need not 'envy' the man who, in a great crisis, takes the pill, made unnecessarily bitter, which he loathes, for the sake of the good, which he desires. Nor need he, with all due deference allow me to say, 'envy' the man charged with the duty of writing the secret political history of that day. No man need envy his mousing toil in learning the names of public functionaries and their allies holding Texas debts and Texas scrip for land located and unlocated, nor his midnight care in depicting the cupidity which could not find land enough within the bounds of Texas proper to satisfy its desires, but must by the sword subjugate sixty thousand of the citizens of a neighboring republic, and appropriate the soil, thus desecrated with human blood, to satisfy its sordid appetite.

"When all the secret springs and motives of men shall have been brought to view, when the minute details of this gross iniquity shall have been placed in letters of living light upon the page of history, the world will be astonished at the consummation of the scheme which was thus protested; and if, perchance, as the honorable gentleman says, the protest shall have escaped the historian, and lie buried in oblivion, as search in vain is made therefor, the astonishment will be increased by the thought that no one rose in his place, of that whole number, to protest against the governmental sanction of such iniquities."

"It is alleged upon this floor, that to declare one's self for the war, and to speak against the present administration of this

government, is an absurdity; that, while he pretends to go for it, he goes against it, by weakening the moral power of the government.

"I had supposed the moral power of the government, so far as these functionaries could wield it, had been expended; and that now, moral suasion proving inefficient, we had determined to try the physical force of the country. It is termed a kind of *moral treason* to speak against the present administration. What! treason to speak of the manner in which this *moral power* has been exerted, and of the causes which led to the necessity of resorting to force against a sister republic! It may be *treason* to the party. It may be counter to the edicts of the executive to have any of its votaries call any of its acts to the attention of the people. Such may not do it. But shall the motives of those who do not bend the pliant knee to power, and tamely submit to executive usurpation, be called in question? charged with opposition to the country? Is this the freedom of your boasted institutions? Sir, it is because I am in favor of the country that I am endeavoring to show how its moral power has been polluted, paralyzed, and perverted by the conduits through which it has passed. I do it with no personal or vindictive feelings, but in view of a solemn duty imposed upon me as a representative, and in the hope that the people will see the necessity of rising in their might, and exerting, with efficiency and effect, the moral power which has fallen stillborn from the hands of the executive.

"Notwithstanding the morality of the sentiment uttered by my friend from Ohio (Mr. Delano), that in time of war he was for his country, right or wrong, has been questioned in this hall, I reiterate it. I hope the moral sense of gentlemen will stand the shock when I tell them I am for my country, any way and always, *right or wrong*. In all time, under all circumstances, in prosperity or in adversity, in peace or in war, in every respect which ingenuity can invent or imagination conceive, I am for my country, right or wrong. Sir, I am for my children, right or wrong. My duty impels me to chide and rebuke them when wrong; but to be for them, and feel for them, and to act for their prosperity, happiness, and protection, whether *right or wrong*, is a feeling interwoven with the very ligaments of my nature. In this same sense I am for my country, right or

wrong; freely reproving her public functionaries when wrong, and holding up their constitutional aggressions and their legislative oppressions to the just judgment of the people. And now, sir, at this moment, in view of my sense of duty, impelled only by that, I hold up the President of the United States as having transgressed the rules of propriety and justice, and violated the Constitution, in ordering the army on to the left bank of the Rio Grande; in ousting the Mexican civil authorities from the exercise of their accustomed duties and the collection of their revenue; in erecting batteries, and pointing our cannon in solemn defiance at a Mexican city; in allowing, without inquiry, soldiers, in time of peace, to be shot, without the form of trial; in blockading, in time of profound peace, in violation of solemn treaty stipulations, the city of a sister republic, and cutting off its supplies, thereby reducing to famine and death its citizens and soldiers. I wish I could array in a mirror of burning light before the people, the Constitution, which says, Congress alone shall have power to declare war and direct acts of hostilities—its broken fragments, the author of its violated condition, and his abettors. I would point to these executive usurpations, and to the uncalled-for intolerance and oppression of this House.

"Sir, the Constitution guaranties the liberty of speech and of the press; but on the 11th of May, where was the boasted prerogative of our Constitution in relation to the liberty of speech? Where this inestimable prerogative of freedom? Its death-knell was heard in this hall. The lips of the six thousand farmers, the four thousand mechanics, and the hundreds of manufacturers and professional men speaking through me upon this floor, were sealed in silence. The vivid and conscious convictions of an outraged people were stifled, and denied an utterance. The minority on this floor, representing, as appears by the popular vote, a majority of the people, were denied the right of speech. The grave and momentous question of peace or war, involving the life, the liberty of our people, and the happiness of our common country, was pressed upon us without debate. The imprudent acts of the President, as well as the perilous condition of our army, their cries and their blood by reason of this imprudence, were made known to us, and yet not one word could be said upon the subject. The shield of se-

crecy was thrust between us and the country. The full and speedy relief which we were willing to grant to the army and the country was coupled with a shield for the President and his advisers, and a declaration of war. I ask whether such precipitancy in declaring a national war, in breaking the peace of the world, is becoming in the representatives of this people? Is it wise, and does it become the dignity and forbearance which should characterize enlightened and benevolent freemen? Is it magnanimous or just thus to stifle debate?

"The history of Rome produces no Republican despotism more oppressive or dangerous to liberty than the tyranny we have seen manifested in this hall.

"I protest against this blind, infatuated registry of executive edicts; this despotic restriction of inquiry into official misrule; this adoption and concealment of the broken fragments of our fundamental code, as subversive of liberty. I am constrained to point to these enormities in defense of liberty itself."

Speaking of his own people, he says:

"While they are all ready as one man to sustain the honor of the country, and to meet danger from without, they will be equally fearless, and ready to meet internal abuse and oppression. They are ready to maintain the just rights of the country at every sacrifice, but they are not for the annihilation or conquest of a sister republic. I inquire, sir, and they will inquire, when and how this war is to terminate? Whether it is to be prosecuted only for a just and magnanimous peace, or for the purposes of aggression, plunder, and conquest? If the latter, they will not sanction, but will fearlessly and freely condemn it. They are willing to leave the progress of Republican principles on this continent, and throughout the world, to the sure operations of truth—to the germ from which springs the tree of liberty—until all the nations of the earth shall recline under the branches of that tree, irradiated by the smiles of peace; but they are not in favor of coercing an adherence to Republican institutions by the *sword!* Prior Republics have done this, and, by reason of it, the historian is relieved from his task in regard to them.

"When and where this state of things is to end, God only knows. If our rulers are determined, as they now seem, upon annihilation and conquest, and the *people* shall sanction it, this

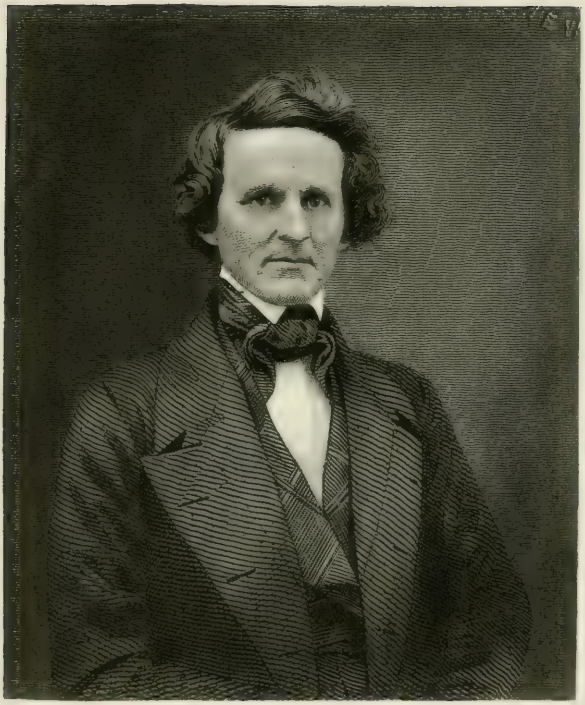
is but the twilight of the political darkness that must succeed it. To my mind, the *day* when the *people* of this republic shall fully sanction the subjugation and conquest of a foreign nation, dissimilar from us in language, habits, and laws, will be the darkest, by far the darkest *day* ever witnessed by this republic."

In all his various business operations Mr. Holmes has been signally successful. He has realized the ancient fable—every thing he touched has turned into gold; and it is remarked of him, that while others may possess larger estates, real and personal, his capital is so invested, and his business in such channels, that his annual income exceeds that of any other member of the present Congress.

SMITH, ROBERT.

THIS gentleman, whose history furnishes one amid the many instructive examples which these pages present, of the success attendant upon honorable aims and persevering efforts, represents the first Congressional District of the State of Illinois. He was born at Peterborough, New-Hampshire, on the 12th of June, 1802. His grandfather, William Smith, was one of the earliest settlers of that town, having emigrated from the north of Ireland. He was of Scotch and English descent. He held for many years the office of justice of the peace, and in 1774 was a member of the Provincial Congress. His wife was Elizabeth, daughter of John and Margaret Morrison, and descended, on the maternal side, from Sir William Wallace. She had seven sons, all of whom grew to manhood. One of these sons was the late Jeremiah Smith, of Exeter, New Hampshire, distinguished for the many honors conferred upon him both by his own state and by the general government. The following epitaph, prepared by Daniel Webster and George Ticknor, is inscribed on his tomb-stone:

"Here rest the remains of
JEREMIAH SMITH.
In early youth
a Volunteer in the cause of the Revolution, and
wounded in the Battle of Bennington;
afterward
a Representative in Congress by the choice of the
People of New Hampshire,
and an able and efficient supporter of the measures of
WASHINGTON;
a District Attorney of the United States, and
Judge of the Circuit Court, by the appointment of
Washington's successor.
In years yet more mature,
Governor of New Hampshire, and
twice its chief justice.
He was, at every period of his life, well deserving of his country by his courage, his fidelity, and his devotedness to the public service; equaled by few in orig-



Robert Smith

inal power, practical wisdom, and judicial learning and acuteness; surpassed in the love of honor, justice, and truth, by none.

"He was born at Peterborough, November 29th, 1759, and lived in Exeter from 1797 till a few months before his death at Dover, September 21st, 1842; always most loved in those circles of domestic affection where he was best known, and always a Christian, both by his convictions and by the habits of a life protracted, in extraordinary cheerfulness and energy, to above fourscore and two years."

Samuel, who continued to reside at Peterborough, and was a representative in the thirteenth Congress, was another son. John, the second, and the father of Robert, was another. He was a farmer, unambitious of distinction, nearly the whole of whose time was occupied with public business. He held the offices of justice of the peace, selectman, county commissioner, and representative to the general court. He settled most of the estates of deceased persons in the town, laid out roads, was one of the referees in all arbitrated controversies in his region, and agent in one of the first factories established in New Hampshire. He died suddenly in August, 1821, having pitched violently from the top of a cart-load of hay, and broken his neck.

John H. Morrison says of him (in his Life of Jeremiah Smith):

"He was for many years an able and influential member of the New Hampshire Legislature. Notwithstanding the plainness of his speech and the pungency of his wit, he was a man greatly honored and beloved, and his sudden and violent death in August, 1821, caused a deep sensation of grief through the whole community in which he lived. The present governor of New Hampshire, John H. Steele, who always differed from him in politics, has, with a warmth of feeling alike creditable to both, thus described him:

"'If Peterborough can boast of a better, more useful, brighter, purer-hearted son than was John Smith, I know him not. That she can point to many whose exterior, both in dress and address, comes much nearer to what is termed a finished gentleman, no one will doubt. But where now is the man who never lets a human being pass him unheeded? whose ever-active mind and ready talent can draw forth alike the budding powers of childhood or those of ripened age? who is ever ready to aid, counsel, or direct, with wisdom, purse, or hand, his fellow-man? Such a man was John Smith. With an address which to a stranger appeared rough and rugged as the mountains which surround his native town, he possessed a heart as

tender and as pure as ever animated the breast of man. To him I owe more than I can express. He was not only a friend, but a father. He taught me to believe that there is nothing impossible—nothing that a willing mind and active hand can not accomplish. I yet seem to hear his voice reproving me for saying '*I can not do it!*' 'Why don't you try,' he would say, 'and not stand there looking as if you were in a trance?'"

The mother of Robert Smith was the daughter of David and Janet Steele. The family of that name had been somewhat distinguished in New Hampshire for the conspicuous part which several of its members had at different times borne in the public affairs. She had seven children, three daughters and four sons, of which latter Robert was the second. We will speak of him, in mere personal matters, as if he were himself addressing our readers. Thus:

"I was put to work very young—to such work as boys in New England usually do—driving the cows to and from pasture, running of errands, and waiting upon the men about the farm. One kind of service I well recollect—that was, riding horse to plow stony ground, and being thrown over the horse's head many times during the day by the plow striking a rock. I worked very steadily until sixteen years of age, going to a district school, in the winter, generally three months, working night and morning, taking care of the stock, and chopping wood to keep the fires. This last item, in a large, old-fashioned New England house, was no holiday sport. From fifteen to nineteen I took the entire charge of my father's farm, which was somewhat extensive. As early as the age of twelve to fourteen, I used to take three yoke of oxen, and a pair of horses on the lead, with a wood-sled, and go to the woods—a distance of a mile and a half—on the coldest days in winter, with snow three feet deep on the ground, and haul wood, having a man in the woods to chop and help load. At fourteen, 'solitary and alone,' I was sent, with a four-horse team, from Peterborough to Nashua and Boston, for large loads of cotton for the factory for which my father was agent. At eighteen I studied mathematics, a favorite branch of knowledge with me, under Daniel M. Christie, then a law-student in Peterborough. I believe I had credit for being as thorough in that branch as the majority of college graduates. This, with three months at the New Ips-

wich Academy, under the superintendence of A. Eades, completed my education.

"While I was at this academy—being then nineteen years of age—application was made to Mr. Eades for a teacher for one of the district schools in Dublin, where his brother had been employed for a number of years. Mr. Eades recommended me to the district. The school continued three months, and, so far as I could learn, I gave entire satisfaction to parents and scholars. This I considered almost a *miracle*, as a large number of my pupils were greatly my seniors, and many of them really, in some branches, better scholars than myself.

"In the spring of 1822, after the close of my school, I went into the machine-shop of my uncle, Samuel Smith, of Peterborough, to learn the trade of building machinery for the manufacture of cotton cloth. In this employment I continued until the death, in October, of my eldest brother John, who, with Thomas Baker and John Cavender, had the previous year commenced the building of a cotton factory in Northfield, on the Winnipisiogee River, near the point where, uniting with the Pemigewasset, the two rivers form the Merrimack. Immediately after the death of my brother, his partners proposed that I should take his place in the firm, and accordingly, in November, 1822, at the age of twenty, I became a member of the company subsequently known as the Smithville Manufacturing Company. At this time we had a store at Salisbury Village. I remained in the store until the spring of 1823, when I went into the machine-shop again, and worked in that department until the machinery required for our purposes was built and put in operation. I then went into the manufacturing department, where I remained until I made myself acquainted with the entire process of converting the raw cotton into cloth. Soon after the factory was put into operation, we built a store in the immediate vicinity, and I then took the general superintendence both of the store and factory. I had here a good school in which to study human nature, and I learned much that has been useful to me in my subsequent intercourse with the world During the summer of 1824, I confined myself so closely to business that my health failed, and in October of that year I took passage from Boston in a merchant ship and went to Savannah. I made a short stay there, and then took a *seven-by-nine* steam-

boat for Purysburg, on the Savannah River. Though the distance was less than thirty miles, we were nearly all day in 'making it.' From that place I traveled by land through the State of South Carolina to Augusta, Georgia, and after having remained there some weeks I went to Charleston, where I spent the residue of the winter.

"In the spring of 1825, my health having been perfectly restored, I returned home, and resumed my position in the firm. Society at Salisbury Village and Northfield was not at that time, perhaps, as refined as in some portions of New England. There existed a strong opposition to *liberal* preaching, and *dancing* was looked upon with holy horror. I had many wordy wars with some of the old citizens on these points, and may have been in some degree instrumental in producing a more tolerant religious feeling in the community, and in dispelling the bigoted prejudice against dancing.

"In 1826, our company found itself laboring under great disadvantages by reason of owning property and doing business in three towns, all within the distance of half a mile. This led to efforts to erect a new town out of the three and one other, namely, Salisbury, Andover, Northfield, and Sandborton. The members of the Legislature from all these towns were strongly opposed to the creation of a new one, as it would diminish the importance of their own. The first effort, made in 1826, was not successful. It was not, in all respects, judiciously directed. In 1828 I thought I saw a fair opportunity to accomplish the object. The effort was again made, and I may say, without vanity, that my plan of operations secured a successful result. At no period of my life, perhaps, did I perform more severe labor than during the struggle for the passage of an act creating the town of Franklin. All the towns out of which it was carved were Democratic. The members representing them were violently opposed to us, and brought party influence to bear against us. Thus thrown into collision, we were forced to oppose them, and we did so. Matters growing out of this controversy governed my votes while I resided there, and, consequently, I was classed by many of my friends as anti-Democratic. I have always claimed to be a Democrat, and have always advocated those measures which tended to give the largest liberty to the masses. While I remained in Franklin, no man who had op-

posed the creation of the town, or who was warmly the friend of those who did oppose it, was elected to the Legislature from that town. But, the year afterward, the tables were turned.

"In 1827 I went to Commencement at Hanover, and you may recollect to have heard me relate the incident which occurred with my cousin, Albert Smith, a former graduate, when, leaving me to take his place with his class in the procession, he expressed his regret that, being an entire stranger, I could not accompany him.

"Having first given a maturer aspect to my appearance by putting on a pair of double green spectacles, I took my place in the procession *among strangers of distinction*, and passed by my cousin, who stood with his hat under his arm, while I moved on to a *distinguished seat* in the hall. This was one of the few occasions of my life when *impudence* got the better of that extreme diffidence which you know to be natural to me.

"On that trip I went to Saratoga Springs and New York City, and was at Commencement at New Haven.

"During the same year I first met with the young lady who subsequently became my wife—Sarah Perkins Bingham, daughter of Vine Bingham, of Lempster, New Hampshire. She visited the factory in company with some other young ladies; I was introduced to her, and my destiny was at once decided. We were married in November, 1828. I have now living a son and a daughter.

"I had always felt a strong predilection for the South or West, and in 1830 I retired from the Smithville Manufacturing Company, preparatory to making arrangements for my emigration westward. I improved the time that elapsed between this decision and my departure in reading Blackstone's Commentaries, and other elementary works upon law, under the idea that possibly I might pursue the study of that profession with a view hereafter to its practice. In 1831 I made a journey to Michigan in company with my cousins James and J. A. Smith, of Cavendish, Vermont, James Walker, of Peterborough, and some four other gentlemen. We had a very pleasant trip, although attended by some hardships. Most of the country through which we passed was new, and the traveling very bad. After we left Ann Arbor, the country could hardly be said to be settled at all. We generally managed to find some

house or cabin to stop in over night. At Bronson, now the county seat of Kalamazoo county, we had great difficulty in getting our wagon over the Kalamazoo River, there being then no such thing as flat-boats in that region. We had to put our wagon into two *dug-outs* in order to cross. I purchased some lands at the land-sale at White Pigeon Prairie, at the first sale held there. I did not, however, like Michigan well enough to settle there; there was too much low, marshy ground to suit me; and before leaving that territory I determined to go to Illinois, believing then that it would be a more eligible state to settle in than Michigan. Besides, I preferred a more southern climate, and in April, 1832, I left with my wife, her mother, and brother for Illinois. At the time I left, very little was known in my section of country in relation to the West. My friends all remonstrated against our departure. They regarded that distant region as being out of the world—or, at any rate, out of civilization. Few of them ever expected to see us again; and very many never expected to hear from us, or of us, unless it was, perchance, to hear that we had been blown up by a steamboat, or tomahawked by the Indians. Our journey, however, was made without any accident, and we arrived in St. Louis in the latter part of June.

"After remaining there a week, we moved to Upper Alton, Illinois. We knew no one there, nor was there a single person within two hundred miles whom I had ever seen before. I had very little capital to begin with. The only tenement to be had at that time was a log house of one story and a half, containing only one room sixteen by twenty, and with openings between the logs large enough to throw a cat through. Lower Alton contained but few houses, and Upper Alton some ten or a dozen. I had carried with me a few goods, and I opened them in the old post-office building, my store being opposite to the only other one in the town, that of Messrs. Gilman and Long. I took no furniture with me. I found a few hickory-bottomed chairs at Lower Alton, which was the only furniture to be found in either of the two towns. We used two chairs and a box-lid as a table upon which to spread our meals until we got a carpenter to make us one, and this was the first table ever made in either Alton. St. Louis was then a small place, and business very *flat* there. I selected Alton

as a good geographical location, believing then, as I have believed ever since, that if an enlightened and liberal policy had been pursued, it would at least have rivaled St. Louis, if not gone ahead of it.

"There being but little business in the mercantile line at that time, I found myself with a good deal of leisure, and, wishing to know something about the land-owners in the region of Alton, I went to the land-office at Edwardsville, and procured maps of all the surrounding country, with the names of the owners written thereon. This enabled me to know more in relation to the lands in the vicinity than many persons who had lived there fifteen years. The consequence was, that all persons wishing to enter lands came to me to procure information about them. I was fortunate in making friends, and sold more goods than my neighbors. A vacancy happening in the militia company from the precinct composed of Upper Alton and Wood River in the fall of 1832, I was elected captain by all the votes of the company except two, notwithstanding that I had, against the custom of the company, refused to declare myself a candidate.

"For the first few years of my residence in Alton, lawyers then being scarce, I frequently volunteered, 'without money and without price,' to help my neighbors out of their difficulties in little controversies before the magistrates of the precinct. I met with considerable success. I was applied to for legal advice oftener, perhaps, than all the lawyers in my end of the county. The reason, I presume, was, that I took no fees, but did every thing *gratis;* and I always made it a rule of action to advise adjustment of the controversy in the first instance, without resort to the courts of law.

"Soon after my arrival at Alton, I purchased, in company with my brother-in-law, J. L. Bingham, a tract of land known as the Middletown tract, lying between Upper and Lower Alton, and containing about ninety acres. I believed that if Alton should ever become a considerable town, this would be very valuable property. I also bought lands from time to time, as desirable opportunities presented themselves, until my purchases amounted to about four thousand acres. Many of these lands were in the immediate vicinity of Alton, and some of them heavily timbered. I employed a large number of hands during

the fall and winter in chopping wood to supply the Alton market and the steamboats, and occasionally sending by flat-boats to the St. Louis market. I also cleared up a good deal of land, and made several small farms, which were worked chiefly by tenants.

"In 1835, Lower Alton having begun to make rapid improvement, my brother-in-law and myself thought it best to lay the land out into building-lots. We did so, calling the town Middletown: it has since been called Middle Alton. In order to give value to this property, I found it necessary to build a road between the two towns of Alton. This was a very heavy job, the ground being rough and broken. After procuring some small contributions from owners of property in the vicinity who were to be benefited by the construction of the road, I expended, in addition to these sums, about two thousand dollars in cutting through the hills and filling up the hollows. The road, while in process of construction, excited a good deal of curiosity among the people, being the first work of the kind in that region of country. It was a novel spectacle to see excavations through the hills to the depth of some thirty feet, and the conjectures as to their object, at the commencement of the work, were various. In 1835 and 36 I built a number of small houses in Middletown to rent, and by this means and the building of the road, gave some notoriety to the town and some value to the lots. For instance: an acre of this land, which I purchased in 1832 at *eight dollars*, I sold in 1837 for *two thousand*. During the years 1835, 6, 7, and 8, I also built rather extensively in Upper Alton, and put up a large livery stable, besides a two-story double house. I may, perhaps, truly say, that from my first settlement in Alton down to 1838 or 1840, I carried on more operations, and did more to give life and energy to business, and prosperity to the town, than any other person in it. In any event, I presume all would admit that I did more according to my means than any other person. I devoted myself exclusively to business, not even participating in any of those hunting or fishing excursions which are so common in the Western country. I realized what in our new country was considered a fortune; but, by lending my name to every one who asked it; by trusting implicitly to the honesty of *all* men; and, finally, by means of the revulsion which prostrated the business and

prosperity of the country in 1840, 41, and 42, I lost all my possessions in a much shorter space of time than that in which I had obtained them. These reverses, however, have never caused me the loss of an hour's sleep, nor have I ever relaxed my exertions to recover from the pecuniary losses I have sustained. Acting upon the principle that nothing is accomplished while any thing remains to be done, I have always felt confident that, so long as I enjoyed the blessing of health, I could provide the means requisite to supply the *moderate* wishes of myself and my family.

"In the spring of 1834, the Wood River people brought me out, against my convictions of policy or propriety, as a candidate for the Legislature. I urged, with other objections, my short residence among them. They answered that I had done more since my residence there to promote their interests than any other man, no matter how long his residence might have been; and they held themselves especially bound to me because, in the summer of 1833, I had fortunately been instrumental in raising the price of wheat. I had chartered Collet's Mill, on Rattan's Prairie, where I had wheat ground into flour for market, and brought up the price from thirty-seven and a half to fifty cents per bushel. I had influential competitors, and lost the election through some friend of one of the other candidates, who stated at two of the precincts most remote from my place of residence that I had declined running. At the three precincts nearest me, I ran more than one hundred votes ahead of the highest candidate elected."

Having now brought Mr. Smith on to the beaten track, we proceed in the usual form.

In 1836 he was elected to the Legislature from Madison county, having received a vote over his competitors ranging from one hundred and twenty-five to three hundred. At the session which followed, he voted for the internal improvement system of his state, against his own convictions of its policy, but in obedience to what he considered instructions. He saw that there were no means of resisting a mammoth system; and it gave to his constituents so large a share of its contemplated benefits, that they would summarily have set aside any representative who had voted against it. At the special session of July, 1837, to which we have elsewhere adverted, he resisted

bank suspension. Before leaving home, suggestions, looking to instructing him to vote for suspension, had been made, which he met with the declaration that, if unconditionally instructed to give such a vote, he would resign his seat. Instructions were drawn up and circulated for a time, but were finally withdrawn.

In 1838 he was again elected, under circumstances in which the attempt on his part seemed almost without hope. At this session he exerted himself to prevent the diversion of the terminating point of the Cumberland Road to St. Louis, its termination at Alton being a favorite measure with his constituents. Strong efforts had been made to give it the other direction.

In 1840 he was elected enrolling and engrossing clerk of the House of Representatives of Illinois, and again in 1842, without opposition.

In the spring of 1843 the state was newly districted. He was nominated for Congress on the first ballot over two formidable candidates, and was elected to the twenty-eighth Congress by a majority of seventeen hundred and seventy-eight votes. The majority would have reached three thousand but for a local difficulty. He was again elected to the twenty-ninth Congress by a majority of nearly four thousand votes, though opposed by a very popular gentleman who had formerly represented the district in Congress, who ran as an independent candidate, and who was sustained by the opposite party; and he was again elected to the thirtieth Congress by a majority of upward of two thousand votes, under circumstances of great disadvantage.

He believes himself at this time to have had more and firmer friends in his district than he had had at any period since his first election. Nevertheless, early in the last summer, from a generous motive, which is known to us, and which will soon be made manifest, he declared his intention not to be a candidate for re-election. This determination has not been received without murmurs by many of those friends whose confidence he has so long enjoyed, whose interests he has so faithfully represented, and to whose business concerns, in the departments and elsewhere, he has, in a degree never perhaps surpassed, laboriously and indefatigably devoted himself.

His general course in the national councils has been guided by those Democratic principles and doctrines upon which he

was originally elected. He has sustained the administration of Mr. Polk in all the cardinal features of its policy, excepting as to appropriations for rivers and harbors. These he has always broadly and liberally advocated.

"Sir," said he, on one occasion, "upon the wide and beautiful plains of Illinois alone, intersected and irrigated as they are by numerous streams of water, as magnificent and useful as the eye of man ever rested upon—upon her fifty-eight thousand of square miles of fertile lands, unassisted by her sister states, may be grown enough grain to supply the granaries of Europe and of America to overflowing! If this can be accomplished by *one* state, what a blessed influence upon the markets of the world will be exerted when the united and multifarious productions of all the present and embryo states in the West shall cheaply, safely, and in good order be wafted thither!

"These proud and desirable results may be obtained, Mr. Speaker, by expending upon our rivers a very small sum of money. Of the eleven hundred and twelve millions, seventy-six thousand, five hundred and eighty-six dollars and thirty-three cents expended by the general government from 1791 to 1840, so small a sum has been expended in the West, that we feel emboldened to ask that something worthy of the high character of this nation be now done to render the navigation of Western rivers easy, safe, and expeditious."

He has earnestly but vainly struggled to secure appropriations for the continuation of the Cumberland Road: a project which men of all parties, with a few exceptions, seem lately almost to have forgotten. There are those who cherish the hope that *land* appropriations may yet be made: a result to which the far-distant friends of the road should not look forward, we think, with too much confidence.

The first proposition ever offered in Congress by Mr. Smith provided for a donation of eighty acres of public land to every actual settler, being the head of a family and living with it, not then the owner of land, and who, through misfortune or otherwise, was unable to purchase. He did not regard the quantity as sufficiently liberal to the cultivator of the soil, and he would have voted cheerfully for double the amount, but he feared to ask for more, lest he should get nothing for those who were destitute of land and were unable to pay for it.

He has labored assiduously to secure the reduction and graduation of the price of the public lands: a principle, the justice and expediency of which he has lost no opportunity of enforcing.

He was enrolled in the ranks of the fifty-four forties. [See title, S. A. DOUGLAS.] His convictions were deep and strong that the whole territory belonged to the United States, and that its settlement and occupation were of the utmost importance to the prosperity and harmony of the whole Union, and to the permanency of our republican form of government.

He has opposed the Wilmot Proviso. His name, however, does not appear recorded on the Three Million Bill. When the vote was taken, he had stepped into the Senate to transact some business for an absent colleague; on his return, he asked permission to record his vote, but the House did not grant it.

He has been the liberal friend of the soldier—regular as well as volunteer—and was one of those who offered propositions for the increase of their pay.

Among the measures which have been introduced by him, we notice a bill making further provision for the payment of horses and other property lost or destroyed in the Black Hawk war; a bill to provide for the speedy completion of the Cumberland Road in the States of Illinois, Indiana, and Ohio; a bill to create a port of entry at the city of Alton; a bill to create collection districts at Alton, Quincy, Galena, and Cairo, Illinois; a bill to grant to the State of Illinois certain alternate sections of land, to aid in the construction of the Alton and Mount Carmel, and Alton and Shawneetown Rail-road. Also, propositions to establish a marine hospital at the junction of the Mississippi and Ohio Rivers, for the accommodation of sick and disabled seamen, boatmen, and others; for the establishment of naval dépôts in Illinois, Missouri, and Tennessee; to extend the benefit of all pension laws now in force, granting pensions to the officers and soldiers of the Revolutionary war and their widows, to the officers and soldiers who served in the defense of our frontiers in the Indian wars prior to the year 1812; in favor of liberal donations of land to the officers and soldiers who served in the ranging service against the Indians, on our Western frontier, to the close of the late war with Great Britain; to allow all letters and newspapers to be sent free of postage,

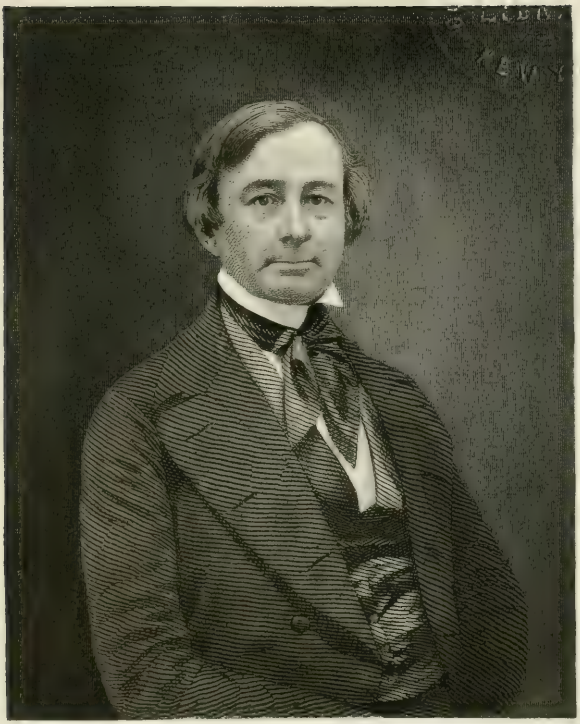
until the close of the war, to the officers and soldiers of our army serving in Mexico.

Among the reports which he has submitted, we notice especially a report showing the importance of the improvement of the Falls of the Ohio, at Louisville, to the commerce of that river and of the Valley of the Mississippi; and a report on the petition of George Wilkes, and on several other memorials, in relation to a rail-road from the navigable waters of the Missouri to the Pacific Ocean. This report is adverse to the prayer of the petitioners, but recommends an examination, or survey, of the country between what is known as the North Pass, from the upper navigable waters of the Missouri to the navigable waters of Clarke's River, which empties into the Columbia. This examination is recommended with a view to the establishment of some cheap and easy means of communication between the navigable waters of the two rivers.

KING, DANIEL PUTNAM,

IS a native of Danvers, Massachusetts, where he still resides. His ancestors emigrated from England to Salem as early as 1636. From that time to the present they have resided in Salem and Danvers (formerly a part of Salem), and have been principally engaged in the cultivation of the soil. This has been, and continues to be, his own occupation and amusement in the intervals of his public labors. He has been an active member and officer of the county and state agricultural societies, and has on several occasions received premiums for the successful management of his farm, and for improvements in farming. When the bill establishing the Smithsonian Institute was before Congress, he offered an amendment, which was rejected, proposing such a modification of the plan as would enable the students to pay their board by laboring on the farm of the institution. A portion of his time he spends in literary pursuits, and he has delivered, on several occasions, public addresses which have been favorably noticed. Among these, we note his eulogy at the funeral of General Gideon Foster; an address, published in 1835, on laying the corner stone of a monument in commemoration of the fate of seven young men of his native town who were slain in the battle of Lexington, delivered on its sixtieth anniversary; an address before the Essex County Agricultural Society; and an address at a meeting of the trustees of that society, upon the death of the late Leverett Saltonstall, who was Mr. King's immediate predecessor in Congress.

He was graduated in 1823 at Harvard University. He has had no professional education, nor adopted any professional pursuit. At an early age he contemplated the study of the law, but abandoned it, and, shortly after he graduated, was married to Sarah Page, daughter of Hezekiah Flint, of Danvers, where, upon a farm inherited by his wife, he commenced



Daniel P. King

the occupation of a farmer. He has living three sons and four daughters. Since then he has been much in public life. Never seeking office, his people appear to have been the more willing to confer it upon him. His political cotemporaries, it is said, call him the "lucky man;" on which good-natured soubriquet he himself somewhere remarks, "If to obtain office without effort, and without the sacrifice of honor and principle, be 'luck,' then have I had my full share."

In 1836–7 he was a member of the Massachusetts House of Representatives; in 1838–9 a member of the Senate, and in 1840–1, president of that body, a station which, before his time, we believe, had always been filled by a lawyer. In 1843, when parties were nearly balanced in the Legislature, he was again a member of the House of Representatives, and, after many unsuccessful ballotings for other candidates, on the fourth day his name was brought forward, and he was elected speaker by a majority of *one* vote, in a House containing nearly four hundred members. The records show that his character and capacity as a presiding officer were appreciated and respected, even in those times of high political excitement.

At an early period of life, he shared with Harrison Gray Otis alone the distinction of having filled the station of presiding officer of both houses of the Legislature of Massachusetts. While a member of that body, he was often appointed on important committees. Among the measures reported and advocated by him was the one which authorized an agricultural survey of the state, a measure which has since been adopted by other states; also several other surveys and measures having for their objects improvements in agricultural and natural sciences. He has ever interested himself warmly in the cause of benevolence and charity, and to his exertion, in part, is to be attributed the great enlargement of that noble monument of the benevolence and humanity of Massachusetts, the State Lunatic Hospital. Of this institution he held for five years, under the appointment of the governor and council, the office of trustee.

Several unsuccessful efforts to elect a representative from the second Congressional District of his state having been made, he was nominated for the office while yet speaker of the House of Representatives of his state, and, in the month of June,

1843, was elected by a small majority. He has since been twice re-elected by large majorities, though at special elections.

He is a thorough Whig. As a debater he is apt and ready, speaking but seldom, and when he *does* speak, directing his remarks at once to the point under discussion. He truly says of himself, in a speech delivered at the last Congress, "You, Mr. Chairman, who have been an attentive member since I first had a seat in this hall, know that I have seldom addressed the House except with the purpose of affording 'aid and comfort' to some of the many deserving citizens who have suffered from the tardy justice of their country." In the committee-room he is an active and efficient man of business; and to no member of either House is the class of citizens to whom he alludes more indebted for diligent investigation into their claims, or for unwearied efforts to lead them to successful results. We speak particularly of that class of claimants falling under the head of Revolutionary Pensioners.

He has entitled himself to the gratitude of sick and disabled seamen in all parts of the country for his efforts on several occasions in bringing the House to vote the appropriations requisite to supply deficiencies in the Marine Hospital fund; and, in the same connection, we notice propositions introduced by him to appropriate money for the payment of pensions to wounded privateersmen, as pledged by the act of June 26th, 1812.

It has been a favorite project of his to prohibit spirit-rations in the navy, and to supply money as a substitute. He has, in more than one instance, carried amendments to this effect through, when naval appropriation bills were under consideration.

He has especially vindicated and defended the policy of bounties to vessels employed on our coast fisheries. He has argued that the policy was one which the French and English nations adopted, and that, if the bounty was taken away, the vessels of those nations would come into our ports and undersell us.

Among the more local measures which he has introduced or advocated, we note, appropriations for the completion of the breakwater at Sandy Bay; for the improvement of the harbor at Lane's Cove; for the preservation of Lynn Harbor and Nahant Beach; bills to erect monuments to General Warren and

General Herkimer; and a proposition for the erection of a lunatic asylum for the reception of insane persons in the military and naval service of the United States, of the insane poor of the district, and such other insane persons as might be committed by their friends.

He was one of the "fourteen" who voted against the act of the 13th of May, 1846, recognizing the existence of war with Mexico [see title, ROBERT C. WINTHROP]; and he has avowed his determination to vote against all measures not designed for its speedy termination. On the 16th of the following July, he prepared an amendment (which was rejected) to the bill making appropriations for the support of volunteers and other troops, providing "that immediate measures be taken for the peaceful and honorable settlement of all difficulties and differences between this country and the sister republic of Mexico." He believes the war to be unjust, wanton, unnecessary, and unconstitutional. "I think," he says, "it was bad in its inception, has been bad in its progress, and that nothing but evil can be its consequences. A treaty might have been made and peace secured without recourse to these last, worst arguments, the cannon, the sword, and the bayonet; but the object desired was not *peace with* Mexico, but a *piece of* Mexico. I may have erred in my judgment, but such was, and such remains, my honest conviction. In a minority of fourteen, I voted against this war upon a feeble and distracted, a priest-ridden and faction-torn sister republic. For this we have been called traitors and cowards. If an earnest desire to save my country from ruin and disgrace be treason, then am I a traitor; if the fear to do wrong make a man a coward, then I am a coward. I will make no empty boast of an ardent love of country, but I mean that my life and conduct shall manifest it. I hear many men talk of their willingness to shed the *last* drop of blood in this Mexican war, but most of them are careful not to expose themselves where they may shed the *first* drop.

"I will sustain and defend my country with the best effort of my feeble power when she is right, and when I think she is on the wrong track I will exert my best efforts to get her on the right. He is the coward who is afraid to stand up manfully for truth, justice, and liberty. He is a coward whose voice sticks in his throat when danger, disgrace, and ruin threaten his coun-

try; who is afraid to raise the cry and sound the alarm when the Union and the Constitution are in imminent peril. He is a traitor who, for hope of reward, for party aggrandizement, or executive favor, sells his own integrity, and betrays the honor and true interests of the country.

"The question whether the 'immortal fourteen,' as they have been so often sneeringly denominated, are indeed cowards and traitors—whether they are right or wrong, they, I think, will be willing to submit to the decision of coming times and after generations. From the decision of good and wise men and true patriots, even now, I shall take no appeal. If the gentlemen with whom I have the honor to be associated in this impeachment made by the commander-in-chief of the naval and military forces, and by his retainers and partisans, the Trays, Blanches, and Sweethearts, who have dutifully joined in the cry, ask for another day and a new hearing; if they appeal from the decision of a few men, mad with the din of war, drunk with a surfeit of blood, and thirsting for more, I can only advise them to call for witnesses as to the origin, propriety, and necessity of this war, such statesmen as Van Buren, Calhoun, Benton, and many others, once good enough Democrats, but now in danger of being turned over to the Federal side. By this charge of treason I have been often amused, but never disturbed or annoyed. The President, in his message of December 8th, that same most remarkable of all political fictions, says: 'It is a subject of congratulation that there has been no period in our past history when all the elements of national prosperity have been so fully developed. Since your last session, no afflicting dispensation has visited our country!' The successor of Washington—but with what immense difference of dignity!—accuses those who represent this war as unjust and unnecessary, of giving 'aid and comfort' to the enemy. I am not accountable to the President for my opinions or my votes. My voice is free, and so shall be my vote. I do not submit to his dictation. I was sent here to exercise my independent judgment, not to be the mere instrument of registering the executive will. I do, however, acknowledge my accountability to my constituents. Since this accusation was made by the President, the people, by their verdict, have decided whether they think me a traitor or a true man. In an election held on the 28th of that same month of

December, the President's cry of 'aid and comfort,' echoed by the party press, yet ringing in their ears, the people of my district have re-elected me by more than two thousand votes over my miscalled Democratic competitor. From this decision I can have no desire to take an appeal. It is worthy of remark, that all the others of the calumniated fourteen, who were candidates, have been re-elected.

"We have been warned that opposition to this war would make us unpopular. An honest, independent freeman will ask, Is the measure right? not, Will it be popular? He may be willing to court popular favor, but he will never become her slave. Popularity, he knows, may be gained with little merit, and lost by as little fault. In the morning it may put forth the fresh green leaves of perfume, in the evening they may wither and die. Popularity is a frail staff.

"A friend of the President in this House, a gentleman from Virginia [Mr. Bedinger], has said, 'He trusted it would be a war of conquest; he was not one of those who would have a mild war, who were afraid of striking heavy blows. He would show no mercy till the war was ended. If he could have his own way, one blow should follow another without mercy.' And, in the bitterness of his wrath, he did not spare these fourteen, who, he said, 'were destined to be famous in story;' and, so help him Heaven! 'so far as his own fame and future reputation were concerned, he would infinitely rather be the poorest volunteer whose bones moldered on the banks of the Rio Bravo, with no stone to mark his grave, no requiem but the wild bird's shriek and the howling winds, than the mightiest Whig orator who thundered forth his denunciations of the war.'

"Now I am no orator, as the gentleman is; and about the manner of living, of dying, and of burial, there may be a difference of taste; but, rather than be pierced or stabbed (perhaps in the back) by a Mexican sword or spear, or hacked by an Indian tomahawk on that savage shore,

> "'At once dispatch'd,
> Cut off even in the blossom of my sin,
> Unhousel'd, unanointed, unanneal'd,'

I should prefer, after having enjoyed all life's blessings and performed all life's duties, to wrap the drapery of my couch about me, and, without braggart boasting or unmanly fears, await my

last solemn hour. I would that my friends should drop a few natural though unavailing tears, and then that they should carry out my bier to some sequestered spot, where overarching trees might drop their autumnal leaves; and there, if the hand of affection should ever raise a stone, let it have only this inscription: A LOVER OF PEACE, OF LIBERTY, OF HIS COUNTRY—HE VOTED AGAINST THE MEXICAN WAR."

Referring to the subject of slavery, and to the prospects of its extension through the medium of the war, he said:

"For once let the South know that some Northern men have Northern principles; that, though they love their favor and approbation much, they love more the favor and approbation of their own neighbors and constituents, and still more the approbation of their own consciences. On this great question of the extension of slavery, with all its fearful consequences, let it never be said of any one representative of the free states that he sold his vote, and, 'like the base Judean,' for a few pieces of dirty silver, threw away a pearl worth more than all prospects of political advancement—worth more than all prospects of earthly enjoyment."



John W. Stanton

HOUSTON, JOHN WALLACE.

THIS gentleman represents the State of Delaware, comprising but one Congressional District. He was born at Concord, Sussex county, and at an early age commenced his education at the Newark Academy, in Newcastle county, an old and respectable institution, then under the charge of the Reverend Andrew K. Russell, a scholar of fine classical attainments. Having remained there three years, he entered Yale College, where he graduated in 1834. He studied law for three years in the office of John M. Clayton, in the town of Dover, and was admitted to the bar in 1837. Two years afterward he removed to Georgetown in his native county, and devoted himself to the practice of his profession. His success, both as a lawyer and an advocate, was such as in a short time to attract favorable notice. To this circumstance is to be attributed his early entrance into public life. In 1841 he was appointed Secretary of State by Governor Cooper, which office he held during the administration of that highly-respected functionary. Before its expiration in 1844, the Whig party of the state nominated and elected him representative in Congress; and in 1846, under the unanimous renomination of a convention of the same party, he was re-elected. His first Republican ancestor was an influential Whig of 1776, and a Democrat in 1790. His father embraced also the Democratic faith, to which he undeviatingly adhered until, in his opinion, the party had lost all its title even to the name in the utter extinction of its principles. The son was educated in the genuine principles of the old Republican party, and became a Whig before he became a voter. Sustaining uniformly all the great principles of his party, he has evinced a frank and liberal disposition toward his political opponents, while, with all parties at home, he has maintained the reputation of a consistent and an upright politician.

It is to be noted that he was the only representative from the slaveholding states who voted in favor of the Wilmot Proviso. This vote preceded the passage of an act by the House of Representatives of his own state, abolishing slavery within its limits, but which was defeated in the Senate. It is understood that the question of the abolition of this institution in the State of Delaware has never been mooted before the people, and that, if it were so, they would be found, at present, in favor of sustaining it.

The reasons of Mr. Houston for the vote to which we have referred, are thus cogently stated by himself in answer to an inquiry which we addressed to him:

"I had very strong objections to the bill, as originally reported to the House, without the proviso, and I could not vote for the passage of it with or without the amendment embodying the slavery restriction. I had voted against the bill proposing a similar appropriation at the preceding session of Congress, and I have since discovered nothing to mitigate my opposition to it. The messages of the President recommending the measure simply advised the appropriation of two millions of dollars to meet any expenditure which it might be necessary to make in advance, for the purpose of settling our difficulties with Mexico, without stating the mode in which the money was to be used, and without the slightest intimation on his part of the basis on which he proposed to adjust those difficulties; while the strong suspicion which prevailed of the venal purposes to which it was to be applied, rendered the recommendation highly repugnant to the feelings of many members with whom I conversed on the occasion. Though not asked for as secret service money, the imagination could not fail, in the absence of any definite information upon the subject, and in the mysterious silence of the executive as to the mode in which it was to be expended, to connect it in some manner with the recent remarkable return of General Santa Anna to Mexico, and the obvious intrigue by which that return had been effected. Entertaining these sentiments myself, I could not, as anxious as I have ever been for a restoration of peace between the two countries, consent to commit myself to the unknown purposes and policy of the executive, by voting for the appropriation either with or without the proviso, and you will accordingly find my vote recorded against

the passage of the bill in either of these conditions. The House of Representatives has no control over the treaty-making power of the government, and it is even contended, upon very high authority, that it has no discretion over appropriations called for by a treaty, when made and ratified pursuant to the provisions of the Constitution. This, it must be confessed, is an extreme principle; and, so long as I remain one of the representatives of the people, I can never consent to see it extended in its operation; and I shall, accordingly, always vote against any appropriation asked in *advance* for a treaty which has, as yet, no existence except in the secret views and purposes of the President.

"These were my principal reasons for voting against the bill with or without the slavery restriction.

"I now proceed to state, more particularly, my reasons for voting for the amendment incorporating the proviso; and, in the first place, I would remark, that the amendment presupposed, not only in the mind of the executive, but also of the mover of it, that the war was prosecuted with a view to the acquisition of a portion of the territory of Mexico. If such was the object of it, and there is certainly no longer any room to doubt it, it is evident that the design originated with the President and his immediate advisers, in order to strengthen and extend the peculiar institution of the South, and to secure and perpetuate the ascendency of Southern interests and Southern influences in the councils of the nation. It was the same motive which induced the annexation of Texas; and I regarded it as a mere continuation of the iniquitous scheme of the authors and abettors of that measure further to increase and extend their power, at the expense of the legitimate and constitutional rights of the other sections of the country. Convinced that such was the bold and fraudulent purpose of the President, and of those who have ever been willing to pander to the lust of the South for further territorial acquisitions, and the ambitious projects by which a certain class of her unscrupulous politicians are now seeking to consolidate her supremacy in the administration of the affairs of the Federal government, I deemed it perfectly fair and legitimate to thwart their policy and defeat their object by embarrassing the appropriation with the proviso; that is, by declaring, that if they were determined to persist in their base and selfish purpose of despoiling Mexico of a portion of her right-

ful territory, then they must take it subject to this slavery restriction. This I considered the most direct and efficient way of arresting their policy, and deterring them from the further prosecution of their scheme of territorial and sectional aggrandizement. These were briefly the considerations of *expediency* which influenced and secured my vote in favor of the amendment to the bill containing the proviso; but, at the same time, I must be permitted to say, that I am not in favor of the introduction of slavery into any part of Mexico from which it has been excluded by the common consent of all her citizens; and I trust that we shall never be called upon to contemplate the anomalous spectacle of a free people involved in arms, and battling with a heroism and a courage worthy of the best of causes, for the sole purpose of extending the area of slavery; and may we never be called on to witness our own government exhibiting all its power and all its strength to force the institution on a reluctant people in any quarter of the globe. This is the sentiment which, as a slaveholder, and the representative of a state in which this institution of domestic slavery is recognized by law, I entertain upon this great and vital subject. It is a very different, and, as I conceive, a far more momentous question than the abolition of slavery in the States. As the institution now exists in the States, the general government has no power over it. It is entirely subject to their own laws and to the control of their respective Legislatures, and can not and should not be abolished, except by the consent of the people thereof. No man is more disposed than I am to abide implicitly by the compromises of the Constitution on this delicate and important subject, or would go further to defend the rights of the States in regard to it; but, at the same time, I hold, and am free to declare, that if the authors of this scheme of territorial plunder will persist in their violation of the spirit and compromises of that Constitution by seeking to strengthen and fortify their sectional interests and sectional objects in the acquisition of foreign territory on our southern and southwestern border, then they must take it, so far as I am concerned, subject to this restriction as to slavery."

It is known to the country that, on the 3d day of January last, a resolution, in the form of an amendment to an original joint resolution, passed the House of Representatives, declaring

the war with Mexico to have been "unnecessarily and unconstitutionally begun by the President of the United States." The record of that transaction is thus given in the "Congressional Globe:"

"Mr. Houston, of Delaware—previous notice having been given—introduced the following joint resolution of thanks to Major-general Taylor:

"'*Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the thanks of Congress are due, and they are hereby tendered, to Major-general Zachary Taylor, and, through him, to the officers and soldiers of the regular army and of the volunteers under his command, for their indomitable valor, skill, and good conduct, conspicuously displayed on the 22d and 23d days of February last, in the battle of Buena Vista, in defeating a numerous Mexican army, consisting of four times their number, and composed of chosen troops, under their favorite commander, General Santa Anna, and thereby obtaining a victory over the enemy, which, for its signal and brilliant character, is unsurpassed in the military annals of the world.

"'*Resolved*, That the President of the United States be requested to cause to be struck a gold medal, with devices emblematical of this splendid achievement, and presented to Major-general Taylor, as a testimony of the high sense entertained by Congress of his judicious and distinguished conduct on that memorable occasion.

"'*Resolved*, That the President of the United States be requested to cause the foregoing resolutions to be communicated to Major-general Taylor in such manner as he may deem best calculated to effect the objects thereof.'

"Mr. Evans, of Maryland, desired to offer an amendment, which he sent up to the clerk's table, and moved the previous question on the adoption of the amendment and resolutions.

"The speaker stated that the resolutions were not now open to amendment.

"Mr. Cummins inquired if they could now be considered as a matter of course, if objections were made.

"The speaker replied, that the resolutions having been received, they would now be read a first time by their title. After the first reading, if objections were made, they would lie over for a second reading until to-morrow.

"The resolutions having been read a first, and, no objection being made, a second time,

"Mr. Jamieson moved their commitment to the Committee on Military Affairs.

"Mr. Evans now proposed to offer his amendment, and renewed his demand for the previous question thereon.

"The speaker replied that, their commitment being called for, that question was first in order.

"The question then being on committing to the Committee on Military Affairs,

"Mr. Gayle demanded the yeas and nays.

"Mr. Jamieson withdrew the motion to commit.

"Mr. Schenck renewed it.

"Mr. Houston, of Delaware, said he apprehended there would be no objection to the adoption of the resolution. No gentleman in this House would vote against a resolution of thanks to General Taylor and the officers of his command.

"The speaker reminded the gentleman from Delaware that debate was not in order.

"Mr. Evans again intimated his desire to offer the following amendment:

"'*Resolved*, That the capitulation of Monterey meets with the entire sanction and approbation of this Congress, and that the terms of that capitulation were as creditable to the humanity and skill of the gallant Taylor as the achievement of the victory of Monterey was glorious to our arms.'

"Some conversation ensued between the speaker, Mr. Evans, Mr. Schenck, and others.

"Mr. Houston, of Delaware, to obviate all difficulties, moved the previous question on the original resolution.

"The previous question was not seconded.

"The speaker again announced the question to be on the motion to refer to the Committee on Military Affairs.

"Mr. Henley moved to amend, by adding instructions to the committee to add the words 'engaged as they were in defending the rights and honor of the nation.' On this he asked for the yeas and nays.

"Mr. Ashmun moved to amend the amendment by adding the words 'in a war unnecessarily and unconstitutionally begun by the President of the United States.'

"Mr. M'Lane said, before he recorded his vote, he desired—

"The speaker interposed, and informed the gentleman from Maryland that debate was not in order; if the resolution became the subject of debate, it would go over until to-morrow.

"Mr. M'Lane said he had an amendment to offer.

"The speaker said no amendment was in order at present.

"After some further conversation, the yeas and nays were ordered on Mr. Ashmun's amendment to the amendment, and, being taken, they resulted as follows:

"Yeas: Messrs. John Quincy Adams, Ashmun, Barringer, Barrow, Belcher, Botts, Brady, Buckner, Canby, Clingman, Cocke, Collamer, Conger, Cranston, Crowell, Crozier, Dickey, Dixon, Donnell, Duer, Daniel Duncan, Garnett Duncan, Dunn, Eckert, Edwards, Alexander Evans, Nathan Evans, Fisher, Fulton, Gayle, Gentry, Giddings, Goggin, Grinnell, Hale, Nathan K. Hall, J. G. Hampton, Haskell, Henry, John W. Houston, Hubbard, Hudson, Irvin, Kellogg, Thomas Butler King, Daniel P. King, Lincoln, M'Ilvaine, Marsh, Marvin, Mullin, Nes, Newall, Preston, Putnam, Reynolds, Julius Rockwell, John A. Rockwell, Root, Rumsey, St. John, Schenck, Shepperd, Sherrill, Slingerland, Caleb B. Smith, Truman Smith, Stephens, Andrew Stewart, Strohm, Sylvester, Thibodeaux, Taylor, Tompkins, Richard W. Thompson, John B. Thompson, Toombs, Tuck, Van Dyke, Vinton, Warren, and Wilson—82.

"Nays: Messrs. Beale, Bedinger, Birdsall, Black, Bowdon, Brodhead, William G. Brown, Charles Brown, Cathcart, Chase, Beverly L. Clark, Howell Cobb, Williamson R. W. Cobb, Cummins, Daniel, Dickinson, Faran, Featherston, Ficklin, Fries, French, Green, Willard P. Hall, Moses Hampton, Harmanson, Harris, Henley, Hill, George S. Houston, Inge, Charles J. Ingersoll, Jamieson, Jenkins, Andrew Johnson, Robert W. Johnson, George W. Jones, Kaufman, Kennon, Lahm, La Sere, Sidney Lawrence, Leffler, Ligon, Lord, Lumpkin, M'Clelland, M'Clernand, M'Dowell, M'Lane, Mann, Meade, Miller, Morris, Morse, Murphy, Peaslee, Peck, Phelps, Pilsbury, Rhett, Richardson, Richey, Robinson, Rockhill, Sawyer, Sims, Smart, Robert Smith, Stanton, Starkweather, Charles E. Stuart, Strong, Thomas, James Thompson, Jacob Thompson, William Thompson, Thurston, Turner, Venable, Wick, and Williams—81.

"So the amendment of Mr. Ashmun was *agreed to*.

"Mr. Houston, of Delaware, inquired if it would be in order to move to lay the amendment, as amended, on the table.

"The speaker replied in the negative.

"Mr. Cobb asked for the reading of the amendment as amended.

"Mr. Hale asked for the reading of the resolution as well as the instructions, as amended.

"The instructions, as amended, having first been read, Mr. Cobb rose and said: 'The amendment offered by the gentleman from Indiana [Mr. Henley], as amended by the gentleman from Massachusetts [Mr. Ashmun], presents such a remarkable issue, that I must propose to discuss it.'

"The subject, accordingly, lies over until to-morrow, under the rule."

The term "to-morrow" is here used in parliamentary application, and *may* mean an indefinite duration of time. The House had dealt with the subject no further when we closed this memoir.



Th. H. Bayly

BAYLY, THOMAS HENRY.

THIS gentleman represents that section of Virginia commonly known as the Accomac District, and formerly, for some years, represented by Henry A. Wise, late minister at the court of Brazil. The district at present comprises the counties of York, Accomac, Northampton, Warwick, Williamsburg, New Kent, Mathews, Gloucester, Lancaster, and Northumberland, together with Elizabeth City, James City, Charles City, and the City of Williamsburg.

We learn from sources already public that Mr. Bayly was born in the county of Accomac, Virginia, on the 11th of December, 1810. He is the son of Colonel Thomas M. Bayly, and the grandson, on the maternal side, of General John Cropper, a distinguished officer in the Continental army during the Revolutionary war. The ancestors of Mr. Bayly emigrated from England in 1666, and settled upon an estate on which he at present resides, and which has never passed out of the possession of the family. From the time of their first settlement in this country, they were prominent and leading men in the part of the state in which they resided. His grandfathers were members of the Senate of Virginia. His father, who was a graduate of Princeton College, entered public life in 1796, and continued in it, with a short intermission, until 1831, during which time he was several times a member of the House of Delegates and Senate of Virginia; a member of Congress from the district at this time represented by his son, and a member of the late Convention which framed the Constitution of Virginia. He died in 1834.

Thomas H. Bayly completed his collegiate course at the University of Virginia, where he studied law, upon the practice of which he entered in 1830. He rose rapidly to distinction in his profession.

In 1836, so soon as he was eligible, under the Constitution of Virginia, he was elected a member of the General Assembly of his state by a large majority, over two gentlemen, both of whom had for a long time represented the county. At the commencement of the session of 1836–7, Mr. Leigh, then late senator of the United States, sent in his letter defending his course in refusing to obey instructions of the preceding Legislature. It was referred to a select committee, of which Mr. Bayly was a member. On that occasion he made his first speech in the Assembly. It was a defense of the right of instruction.

In the summer of 1836, General S. E. Parker, brigadier general, having died, it became the duty of the Legislature to elect a successor to the command. Major Bayly, as he then ranked, was elected by a large majority over several competitors, at a time of life at which no man in the state had ever been elected to the same office. He commanded the brigade, which his grandfather had commanded before him, until his election in 1842 to a judicial office. He is hence familiarly known as General Bayly.

The circumstances attending this election we find thus stated in a public notice by a distinguished Virginian:

"Young and inexperienced as Mr. Bayly was in public affairs, he became so quickly old in fame, that the General Assembly paid a handsome and unprecedented compliment to him. It is worthy of note, and ought to be remembered as a leading incentive to other men. Early in 1837, when the Legislature were in the actual execution of a joint order for the election of a brigadier general for Eastern Virginia, Mr. Bayly rose and nominated for that office his neighbor, Colonel John G. Joynes, the worthy senator from the Accomac District. Mr. Poulson followed, and nominated Colonel Edward Sneed, the officer oldest in command next to Colonel Joynes. Then Mr. Segar, a talented member of the House, rose and asked Mr. Bayly, as a personal favor, to retire from the hall for a short time. Thinking it possible that Mr. Segar might endeavor to defeat the election of Colonel Joynes, Mr. Bayly refused to retire. Mr. Segar then boldly nominated Mr. Bayly, who promptly protested against that freedom with his name, and urged the members to vote for Colonel Joynes. Yet, against his earnest in-

clinations and public remonstrances, Mr. Bayly was hurried over the intermediate grades of military service, and raised by the spontaneous acclamations of the General Assembly to the head of a brigade."

On the 4th of March, 1839, Mr. Rives's term of service expired in the Senate of the United States, and the question of his re-election came up in that year before the Legislature. Mr. Bayly took the lead in opposition to him, and, during the contest, delivered several speeches, which were extensively circulated in pamphlet form.

About this time the controversy arose between New York and Virginia, growing out of the refusal of the governor of the former state to surrender, upon the demand of the executive of Virginia, three fugitives from justice, who had been charged with inveigling slaves from their masters. Mr. Bayly was chairman of the select committee which, for two successive sessions, had charge of the subject. The opportunity was thus presented to him of turning to practical account the knowledge he had acquired of constitutional law, for the study of which he had always evinced great partiality. The effective vindication which, in this capacity, he presented of the rights of Virginia, as in contradistinction to what she believed to be the unwarrantable assumptions of the executive of New York, elicited the strongest commendations from the people of his state.

In 1841 Judge Upshur was appointed Secretary of the Navy. Mr. Bayly was elected to succeed him in the office of judge of the Circuit Superior Court of Law and Chancery by a very large majority of the Legislature. Of that body a majority was politically opposed to him, yet he received the votes of many distinguished Whigs, and was elected over two gentlemen, one of whom has since been appointed judge of the Federal Court of the Eastern District of Virginia, and the other of whom was subsequently chosen successor to Mr. Bayly when the latter was elected to Congress. When he resigned his seat in the Legislature, the members of the two houses, without distinction of party, gave him a public entertainment. He held his judicial office for two years, meeting its responsibilities and discharging its duties to the entire satisfaction of his circuit, as was attested by the general sentiment of regret which was expressed at his resignation.

In 1844, when Mr. Wise was confirmed as minister to Brazil, Mr. Bayly was simultaneously nominated as his successor in the House of Representatives, by each of the counties of his district, without any concert, and each declaring that a district convention was unnecessary. The Democratic party, at that time, had met with reverses in almost every direction, the Whigs having succeeded, in several special elections, in districts which before had been represented by Democrats; and Mr. Bayly was appealed to by leading Republicans throughout the state, who thought that he alone could carry the district, to consent to become a candidate. He felt a strong attachment for judicial pursuits, but consented to accept the nomination, having, as a preparatory step, resigned his judicial office, against the remonstrance of many of his friends, who thought that, as the contest was a doubtful one, he ought not to make such a sacrifice. He was elected over his Whig competitor by a large majority, in a district which had given General Harrison a majority of fifteen hundred out of about four thousand, and which had been called "the Banner Whig District of the Union." In the fall of 1844, the same district gave Mr. Clay a majority of four hundred and fifty; yet, in the following spring, Mr. Bayly was re-elected over one of the most popular and eminent men in the state, by a majority of upward of two hundred; and in the spring of 1837 he was again elected by a majority of nearly three hundred.

As a member of the national representative body, he has zealously upheld the principles and measures of the Democratic party. In the matter of Oregon [see title, S. A. DOUGLAS] he differed with the mass of his party, having, in common with others of the Virginia delegation, voted against the notice to Great Britain for the termination of the convention of joint occupation. He believed that the subject was still a proper one for negotiation; he approved of the effort which the President had made to settle the controversy in that way. He approved of his course in offering the forty-ninth parallel, and thought it would be a happy termination of the difficulty if it could be settled on that basis. He did not believe that this mode of settlement had yet been exhausted, nor that, in this peaceful age, two such nations as the United States and Great Britain could not settle such a question by negotiation. He

scarcely admitted the possibility that two such nations, both of whom had so much to gain by peace, and so much to lose by war, would fall into hostilities on such a question. He thought it would be a crime in them to do so, and would be so regarded by the wise and the good of Christendom. He denied that there was any thing in the correspondence between the two governments to show that this mode of settlement had been exhausted. He declared he would not vote for the "notice" until we had made such reasonable preparations as would meet the first shock of war, in the possible contingency of that event. He wished to see the preparations made *first;* and, until that was done, he avowed that he would vote for no measure, except under a stronger necessity than he then saw, which even might bring on a war with such a power as Great Britain. He did not, however, insist upon any protracted delay in settling the question. But he did not wish to restrict the period within which this might be done to twelve months, particularly while, he contended, we were losing nothing by the delay, and might, in the mean time, prepare for the event. He then added:

"In view of some of the considerations which I have presented, I do not mean to say that I will not vote for the notice, if nothing shall occur before the adjournment of Congress to make it unnecessary, provided I see Congress setting about in earnest to prepare for the emergency. But I will not vote for it now. To-morrow I may regret it if I do. To-morrow I can not regret not having done it to-day; for, if I shall then see the propriety of it, I can do it at once. What I am willing to do now is to carry out the other recommendations of the President. I am willing 'to extend our laws regulating trade and intercourse with the Indians east of the Rocky Mountains, to such tribes as dwell beyond them.' I am willing to vote 'that provision be made for establishing an Indian agency, and such subagencies as may be deemed necessary, beyond the Rocky Mountains.' 'For the protection of emigrants while on their way to Oregon, against the attacks of the Indian tribes occupying the country through which they pass.' I am willing to provide 'that a suitable number of stockades and block-house forts be erected along the usual route between our frontier settlements on the Missouri and the Rocky Mountains, and that an ade-

quate force of mounted riflemen be raised to guard and protect them on their journey.' I am willing to extend 'the protection of our laws, both civil and criminal, over our citizens in Oregon.' All these recommendations of the President I am willing to aid in carrying out. But, for the reasons I have given, I can not vote at this time for giving the notice for the termination of the Convention of 1818."

He has voted against appropriations for internal improvements. He denies that the government possesses the constitutional power to carry on such a system, and is of opinion that, even if the power existed, its exercise would be inexpedient. He sustained Mr. Tyler at the first session of the twenty-eighth Congress, in his veto of the bill then known as the *Eastern* Harbor Bill, and in the twenty-ninth Congress voted to sustain Mr. Polk in his veto of the general River and Harbor Bill. In the first of these two cases he entered into an elaborate defense of the veto power, justifying it as democratic in its nature, as one of the most conservative and republican features of the Constitution, and as having a direct tendency to sustain popular supremacy. Speaking of Mr. Tyler, he said:

"I will not be betrayed into a defense of the President against the attacks which have been made upon him. The time has not arrived when he can have justice done him; but it will come. When the passions of the present hour have passed away, and Reason has resumed her empire, he will be esteemed one of the boldest of the defenders of the Constitution, and his memory will be cherished with gratitude for much he has done, when many of those who revile him will be forgotten, or only remembered to have execrations heaped upon their names."

With not less emphasis did he uphold Mr. Polk in his veto of the other bill mentioned. He thought that it placed the President, if he did not stand there before, on the ground of the most orthodox Republicans, and that his construction of the Constitution rescued the clause which gave to Congress the power to regulate commerce from the sweeping character which the ingenuity of politicians had endeavored to place upon it.

He has co-operated heartily with the present administration in all the measures of its financial policy, and especially in its opposition to the protective system. His speeches on this branch of national politics are undoubtedly among the most powerful

and argumentative delivered in either house. We note especially his speech in reply to Mr. Hudson, of Massachusetts, on the corn-trade of England, as one which called forth many tributes of praise from public and private sources, as well foreign as domestic. He believes that the power to levy protective duties is not only without warrant in the Constitution, but that it is palpably in derogation of its spirit. He contended that other nations are throwing off commercial shackles which were the growth of centuries, and that we must follow their example. He believes that the days of the restrictive policy are numbered, and that, though it may drag out a sickly existence for a brief period, yet it will pass away to be remembered only by its folly.

The consistency of his political course having been made the subject-matter of comment in the House, the following explanatory remarks seem entitled to a place here. They have reference to some observations made by Garrett Davis, of Kentucky:

"'But the gentleman does not choose to confine himself to accusations of inconsistency in reference merely to the question before the House; he has traveled out of the record, as the lawyers say, in order to inform the House that in 1840 I was a Whig, and had, at one time, made Whig speeches in Ohio. I tell the gentleman that he is totally misinformed. I dislike the appearance of vanity—the egotism which speaking of myself implies. The remarks of the gentleman, however, make it necessary to give a formal contradiction to his statements. The first vote I ever gave in my life was for General Jackson, in 1832, against the venerable gentleman from Massachusetts.'

"A member. 'Mr. Clay.'

"Mr. Bayly. 'I thank my colleague for the correction; it was against the Magnus Apollo of Kentucky that I cast my vote in favor of General Jackson.'

"Mr. Davis. 'May I ask the gentleman a question?'

"The Speaker. 'Yes, if the gentleman admits it, and it be in explanation.'

"Mr. Bayly. 'I am ready to hear the question.'

"Mr. Davis. 'I ask the gentleman, then, whether he did not vote for General Harrison?'

"Mr. Bayly. 'I believe I can answer that question to your satisfaction. In 1836, the competitors for the presidency were

Martin Van Buren, Hugh L. White, and William H. Harrison. I believed that Judge White was as good a Republican as Mr. Van Buren. Both were against the bank; both were against internal improvements. Judge White denied the power of Congress to abolish slavery in the District of Columbia. Mr. Van Buren, although he repudiated the propriety of exercising the power, admitted its existence, and in that contest I voted in the State of Virginia, and supported Judge White for the Presidency, and cast my vote for him, and not for General Harrison.'

"Mr. Davis. 'Mr. Speaker, may I—'

"The Speaker. 'Will the gentleman from Virginia give way for explanation?'

"Mr. Davis. 'May I ask the gentleman whether he addressed any Whig meetings in Ohio?'

"Mr. Bayly. 'During my peregrinations in Ohio—not political peregrinations, for I was attending to private business—it happened that I was called on to make a speech at Columbus on occasion of the great Whig festival there, and with that invitation I complied. [Laughter.] Well, gentlemen may laugh; but let me tell them what was the purport of my speech on that occasion. Did I recommend or advocate any of the Federal measures of the gentleman from Kentucky? No, sir. And I never shall forget that my denunciations of abolitionism, and the general tone and tenor of my speech were considered so very *mal apropos* by the Whig leaders, that they were very glad to get clear of me. [Renewed laughter.] And, sir, although I had some little reputation then as a public speaker, yet, after the specimen of my oratory which I gave them on that occasion, and notwithstanding they were hard run for speakers, I can assure you that they did not afterward honor me with any invitations to address Whig meetings. [Laughter.] And let me add here, that, for the activity with which I opposed the election of General Harrison, I was visited with a bitterness of denunciation perhaps rarely heaped on any other man. I was then, as now, in the Accomac District, and it was then the boasted banner district of the Union. It was precisely at that dark hour that, in the district, I was most active in maintaining the great state rights and Democratic principles to which I have ever been, and trust I ever shall be, devotedly attached. Of the part taken by me in the last contest, it is not for me to

speak. It is enough to say, I never gave a Federal vote; I never maintained a Federal principle. I have never failed, to the utmost of my ability, to maintain the principles which distinguish the democracy of Virginia.'"

Mr. Bayly opposed the interference of Congress with the subject of the naturalization laws, when it was brought up on certain resolutions of the General Assembly of Massachusetts, asking for such amendments as would protect the ballot-box from fraud. This, he thought, was equivalent to asking Congress to interfere with the right of suffrage in the States. He insisted that the subject was one over which the general government possessed no jurisdiction; that the States might admit to the exercise of that right whom they pleased; and that there was no power in the general government to control them; and he considered that to ask Congress to interfere with this right was a bold attempt to usurp the acknowledged right of the States.

The earnestness with which he advocated the annexation of Texas—as well in respect to the act itself as to the mode of its accomplishment by joint resolution—is generally known. And we thus come, by an easy transition, to his vote on the Mexican War Bill. We find his name recorded in its favor; but we see by the record that, before the vote was taken, he asked leave to be excused from voting; and, under a rule then, but not now existing, assigned his reasons for the request. He said:

"I can not vote in silence without placing myself in a false position. I consider this bill virtually a declaration of war, made without executive recommendation—for I do not understand the message, from hearing it read, as recommending a declaration of war—and made, too, when we do not know that the invasion of our territory and the aggressive acts are sanctioned by the Mexican government. They may yet be disavowed, and reparation made. I am unwilling, therefore, at this time, and under the circumstances, to vote for a declaration of war. I do not think such a declaration necessary to meet the emergency. On the other hand, I am anxious to vote such supplies of men and money as will afford succor to our army, and repel the invasion. I must, as I am now situated, decline to do this, or vote for the bill before the House. I shall

vote for the bill, if not excused, as I can never withhold supplies under the circumstances, as the greater evil." He then withdrew his motion to be excused, and voted as we have stated.

He has opposed the Wilmot Proviso, which he regarded as usurping powers not conferred by the Constitution on Congress. And, in respect to the ordinance of 1787, wherein that proviso has its original existence, he holds this language:

"I do not hesitate to say that that ordinance originated in a palpable usurpation of power by the Congress of 1787. The Articles of Confederation conferred upon Congress no such power; indeed, they conferred scarcely any legislative powers whatever. The powers conferred were mainly executive, and related to our foreign relations. The Congress, under the Confederation, was rather a many-headed executive than a legislative body. The Congress itself seemed to concede, at one time, that they could not adopt the ordinance as a legislative act; and here they attempted to give it validity under the guise of 'compact.' But, admit it to be such, and you do not avoid the difficulty, but rather increase it; for the ordinance was adopted by a bare majority, and did not receive the vote of a sufficient number of states to give it validity as a compact; and, at one time, this was the view of the Congress itself. In April, 1784, the ordinance was first proposed; and it had seven states in its favor, three against, and one (North Carolina) divided. Yet it was decided to be rejected; thus showing that the Congress thought the affirmative vote of nine states, the number the Articles of Confederation required to adopt treaties, was necessary to its adoption. But the Congress, finding that the vote of nine states could not be had for it, and notwithstanding their decision in 1784, that a smaller number would not be sufficient, in 1787 they declared it adopted by a bare majority. But something more was necessary to give it validity as a compact, which is wanting in this case. To create a compact, there must be parties able and willing to contract, and who, in fact, do contract. Now who, in this case, were the parties? The ordinance declares the parties to be 'the original states, and the people and states in the said territory.' Now, sir, I choose, on this point, to rest upon the fact rather than the law. Which of the original states ever assented to this compact? Not one.

It is true Virginia was asked to consent to a change which was proposed in the boundary of the states which it was designed to create in the territory northwest of the Ohio, and the number of them, from the number and boundaries specified in her deed of cession. To this Virginia assented; but she was not asked to assent, and she did not assent, to any other point of the ordinance. There is no pretense that any other state acted in the matter at all. Will it be said that they assented through their delegates in Congress? They had no commission to give any such assent. Besides, 'the people and states in said territory,' the other parties, were not represented in Congress, and they never were, in any form, consulted.

"If this ordinance is to be considered a legislative act, it was always null and void, because the Congress of 1787 had no authority to pass it as such, as the Congress of 1784 decided. But if it is to be considered a compact, then it is equally void, as it was not adopted by the requisite vote, and, above all, as the pretended parties to it were not consulted. Well, then, might Mr. Madison speak of it as an act 'done without the least color of constitutional authority.' In the thirty-eighth number of the Federalist, Mr. Madison says, 'Congress has assumed the administration of this stock' [referring to the public lands]. 'They have begun to render it productive. Congress has undertaken to do more: they have proceeded to form new states; to erect temporary governments; to appoint officers for them, and to prescribe the conditions on which the states shall be admitted into the Confederacy. *And all this has been done, and done without the least color of constitutional authority.*' And, in truth, the sixth article of the ordinance, the one relating to slavery, was always treated as a nullity in the territory itself. At the time of the cession of the territory, it was uninhabited, except by a few French and Canadian settlers, who held slaves; and they continued to hold them, notwithstanding the ordinance, and the issue of many of them are held as slaves to this day.

"I think it sufficiently clear that the sixth article of the ordinance of 1787 never had any validity. But of all the absurd ideas I have ever heard in this hall, the idea that the ordinance is forever beyond the reach of the people of the present States, and, in its own language, is to 'forever remain unalter-

able,' is, beyond question, the most absurd. The gentleman from Indiana [Mr. Pettit] says it is unalterable, because it is a compact. Have I not shown that it never had validity as such? Besides, suppose it was otherwise, who ever had authority to bind men and their descendants through all time as to the form of government and the institutions under which they should live? All governments are compacts in the sense in which the word compact is used here; yet will any one say, in this country, that the people can be restrained in their right to alter and reform their governments and laws whenever, in their opinion, it will be promotive of their prosperity and happiness? If this idea that this ordinance is forever unalterable be correct, then the states in the Northwest are not completely sovereign, and they do not stand on an equal footing with the original states; and the condition of the Virginia deed of cession, that they should be admitted into the Union, 'having the same rights of sovereignty, freedom, and independence' as other states, has been violated. Will the Northwestern states admit that such is their condition of inferiority?"

He also contends that the proposition to exclude slavery from all territory hereafter to be acquired, without any reference to its geographical position, evinces bad faith on the part of the non-slaveholding states; that it is not only a palpable violation of the Constitution, but also of the Missouri Compromise. He admits that that compromise does not, in terms, extend to territory hereafter to be acquired; but he argues that if the compromise was fair and equal so far as concerned territory in our possession at the time of its enactment, it would not be less so in respect to territory subsequently acquired. The argument, he thinks, gains additional weight from the circumstance which he forcibly presented to the consideration of the House, that the Missouri Compromise was forced upon the South by the North; that it was the proposition of the North itself, carried by Northern votes against Southern votes and Southern protests. He then says:

"In the case of Texas, the Missouri Compromise line was recognized as extending to territory to which it did not in terms apply. But gentlemen say the South voted against applying it to Texas. It is true we did, because, for the reasons I have given, we did not think Congress had the power to do it. But

it was proposed by a gentleman from a non-slaveholding state, and it was carried by the representatives of the non-slaveholding states. We could not vote for it, but we acquiesced. Notwithstanding all this, in less than two years, gentlemen who voted to extend the Missouri Compromise to Texas come forward and insist that that compromise has no application to territory which we did not possess at the time of its adoption. They are estopped by their own votes from taking this ground."

And he thus expresses himself as to the object of the parties engaged in the Wilmot Proviso movement:

"There are three classes of persons concerned in it:

"First. The mere politician, who is actuated by the hope that, by pandering to the prejudices of a portion of the people of the non-slaveholding states, he can reap an immediate party advantage.

"Second. Those who look a little further ahead, and seek to retard, if they can not prevent, the admission of new slave states, and to stimulate the formation of new non-slaveholding states, with the view of throwing the control of the government entirely into their hands.

"Third. The abolition fanatic.

"The first of these have seen the power which the Abolitionists wield in the elections, and to conciliate their support for mere party advantage, they are willing to trample upon the Constitution and disturb our peace.

"The second avow that their object is political power. Their calculation is, that if they prohibit slavery in all the territories, the growth of such as are fitted to slave labor will be retarded, and that all such as are not fitted to slave labor would be proportionally stimulated; the result of which would be, non-slaveholding states would come into the Union so much faster than slave states, that in a short time the government would be in the undisputed possession of the non-slaveholding states. The gentleman from New York (Mr. Rathbun) had the candor to declare that sympathy for the negro had nothing to do with his conduct, and that if we would consent so to amend the Constitution as to abolish slave representation, he would not care how many slave territories we might erect, or how much slavery was extended. His object was, as he avowed, to throw the power of the government into the hands of the non-slaveholding states.

And why did he desire to do this? Because he thought it would be in hands that would guide our destiny more successfully? Oh no! But that the North might dispense and enjoy the offices and the patronage of the government!

"The third class is the abolition fanatics, who are bent upon the abolition of slavery at every hazard, and by any means, even by deluging the South with blood. But, as these people deny the right of Congress to emancipate the slaves in the States, it may be asked, What have they to gain by the agitation of this subject of slavery here? Their own report answers this question. I quote from the Annual Report of the New York Abolition Society for 1838. Similar sentiments pervade all their publications. The report goes on to argue, that the value of the slave to his master is the great obstacle to abolition. Destroy their value, they say, and you dispose the South to abolition. They propose many modes of diminishing the value of slaves; but I dismiss minor points, and come at once to the main one. The discussion of the subject of abolition at the North, *and in Congress*, they say, will decrease the value of slaves by

"'The interest which they themselves will take in the discussion. In spite of all precautions, the slaves will become acquainted with what so deeply interests them; and, so far as they do, self-respect will be regenerated: an excellent and profitable sentiment for a *free laborer*, but ruinous to the *slave*. It was the testimony of the planters of Jamaica before the British Parliament, that their slaves became acquainted with all that passed in respect to them in the mother country, and were thereby too much excited to fill the places of slaves with slavish obedience.'

"The knowledge of the slave that a portion of the whites are exerting themselves for his emancipation, upon the ground that he is illegally held in bondage, will make him, they say, impatient in his servitude. It will make him sullen and moody; it will incite him to indulge dreams of freedom in another land which he can never enjoy in his own. He will be reduced to a condition in which his master can not rely upon his labor. He will be disposed to run away, and at a time when his services can be least spared. The master will be subjected to constant and heavy expense to recapture him. He will thus become to his owner a source of vexation rather than comfort, of trouble

and expense rather than profit. To establish these facts, there is copied in the report the following extract of a letter from a man at the South, to whose sister a gentleman of New York had sent two abolition pamphlets:

"'Do you remember the two books you sent out to my sister by me? My two black boys, William and Jim, who lived better and easier than I did, read them, and, in consequence, ran off, and after eleven days' riding, and two hundred and sixty-seven dollars cost, I got them; and now their place is wretched by their own conduct, as I sold them at a loss of nine hundred dollars to a trader.'

"The report then goes on to urge, that to increase the desire and disposition of the slave to run away to the greatest possible pitch, it is necessary that the Northern States should adopt such a course of policy as to render his recapture impossible after he has escaped there. The effect which such a course of policy would produce, in decreasing the value of slaves, is then minutely exemplified. The report then urges upon the Northern States to pass laws, providing such a mode of trial in the case of fugitives from labor as will enable them to raise the question of the legality of the bondage in which they are held.

"These are the objects which the Abolitionists have in view in their ordinary movements here; but this proviso is advocated by them in the hope that they may be able to form a cordon of free states entirely around us, in which, in the language of the gentleman from Ohio (Mr. Delano), the fires of liberty are to be lit up, and, by them, the South consumed.

"These are the objects of the prime movers in this matter; and now I put it to the country, are they proper—are they humane—are they philanthropic—are they patriotic?"

And he thus concludes:

"Mr. Jefferson was right when he said that the fell spirit of abolitionism had only been hushed for a moment, and that the Missouri Compromise was 'a reprieve' and 'not a final sentence.' No, sir; from that day to this its progress has been rapid. The concessions which the South then made have but invited new aggressions. The demands of the Abolitionists have constantly been more and more exacting, until now they insist upon an unconditional surrender of all our rights; and this is done in a tone as offensive as the demand is unjust.

"As a faithful sentinel on the watch-tower, I warn my countrymen of the danger which is so rapidly approaching. I warn them to suspect—more than suspect—that man who would try to lull them into a false security. I see the danger in all its hideousness, and I will not betray a confiding constituency by crying out 'all is well,' when I know all is *not* well. Sir, the boldness and the strength of the Abolitionists have increased with wonderful rapidity; and I am amazed to see how quiet Southern men are. I have had to school myself for this discussion. For more than ten years I have had my eye upon this monster. I have marked his movements well. I have seen the insidious character of them. I have tried to hold them up to my state in all their atrocity. But I grieve to say they have not awakened the spirit which they should. The increase of the strength of the Abolitionists has been so gradual that the country has not been sufficiently alive to it. I will not detain the committee with any long details on this point. I beg such of my constituents as have it, to read the speech I made in the Legislature of Virginia in 1841, on the New York Inspection Law, and see how my predictions have been fulfilled. I can not, however, forbear to remind the committee of the rapidity with which the votes at each successive session of Congress against the rule providing for laying abolition petitions on the table have increased. The vote against the Pinckney resolutions, in 1836, ranged from forty to forty-five; against Patton's, at the succeeding Congress, it was sixty; against Johnson's, in 1840, it was seventy; at the last Congress the vote was near a tie; at this, the rule was repealed by an overwhelming majority. We were told that the twenty-first rule created all the abolition excitement; and that, if it was repealed, there would be an end of it. I knew and predicted it would be otherwise. I predicted that, as soon as that pretext for agitation was removed, they would find some other; and stronger proof of their determination to keep up this war upon us could not be produced than the offering of the Wilmot Proviso. Here is an uncalled-for attempt to legislate for a country which is not, and never may be ours, and in reference to which we would have no right to legislate if it was. Why is this? Does not every one know that it is done for the purpose of abolition excitement?

"I warn Southern men that we have arrived at a point at which we must take a firm stand, if we ever mean to do it. We have arrived at a point when further concessions to the Abolitionists would be alike dishonorable and fatal. I repeat, if we ever mean to act with firmness, let us do it now."

Mr. Bayly was married in May, 1837, to Evelyn, the eldest daughter of Judge May, of Petersburg, Virginia, and has one daughter living.

He is among the ablest advocates of Democratic principles in the House of Representatives. As a debater he holds deservedly a high rank. The characteristics of his mind seem to be strength, clearness, and sound logical power, sustained by the aids of a good classical education. He has the ardor which gives him efficiency in speaking, and possesses much of the tact of a tried parliamentary debater. To these advantages he unites a fine voice, audible under all circumstances. We heard a highly intelligent gentleman, who had been a listener to his recent speech touching the power of Congress to legislate for the Territories, say that he had put the Wilmot Proviso Question in a better position for *the South* than it had ever been stated before in either branch of Congress.

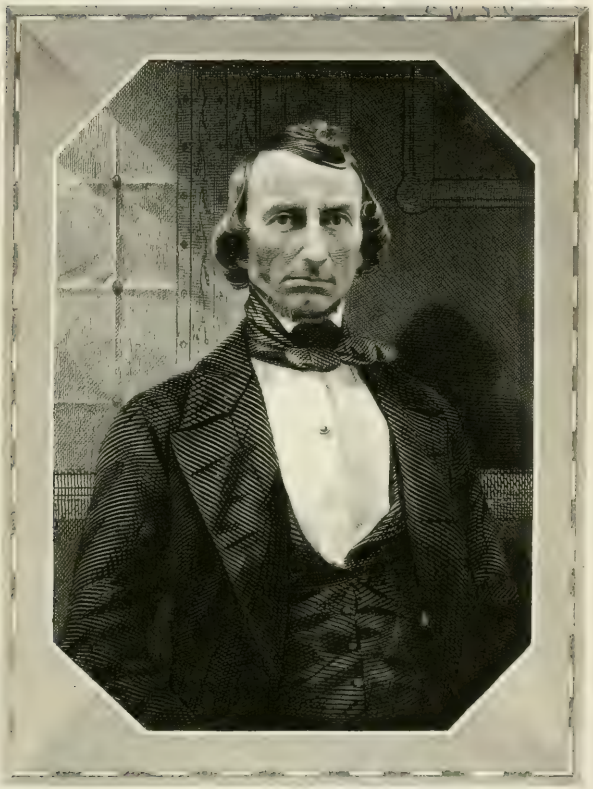
Occasionally, in the heat of debate, a little severity of tone or suddenness of manner is perceptible, of which, we think, he is not conscious, and which has appeared to us to constitute the only obstacle in the way of that general popularity in public life which his excellent personal qualities have secured to him in the private and social circle.

M'CLERNAND, JOHN ALEXANDER.

THE father of this gentleman, John M'Clernand, was a native of Antrim, Ireland. He was educated in the University of Dublin, and was designed by his father, Alexander M'Clernand, for the clergy. After graduating at the Dublin University, he determined to study the medical profession, and accordingly went to Edinburgh, Scotland, where he graduated with the honors of that celebrated university. In 1801, Doctor M'Clernand, with many other Irish patriots, became involved in the civil disturbances of that period, and, preferring liberty in a distant land to tyranny in his native country, he sought a refuge in America, and landed at Philadelphia. At an early period he removed to Kentucky, and settled near Hardinsburg, in Breckenridge county. Here he married Fatima Seaton, whose maiden name was Cummins. She was the widow of Richard A. Seaton, and was born in Prince William county, Virginia. Her father left that state among the early settlers of Kentucky, and taught one of the first schools ever opened in the city of Louisville. She lived until her son arrived at the age of manhood, when, in 1834, she was gathered to a Christian's grave.

John A. M'Clernand, the only living child of John and Fatima M'Clernand, was born in Breckenridge county, Kentucky, on the 30th of May, 1812. In 1813 the family removed to Shawneetown, Illinois, then a new town in a new country. In 1816 Doctor M'Clernand died, his son being then only four years of age. The following letter to Mr. M'Clernand, from a distant branch of the family, contains some further details of its origin:

"You request me to inform you, as far as practicable, of our family genealogy, and, as many of the family records are in my hands at my residence in Tampico, I can do so with accuracy. The family can be traced back to the reign of Malcolm the



John A. McClernand

First of Scotland, and was then one of the stoutest clans; and the leader, for his daring deeds, obtained the name of Mac of the Clearlands, having cut his way through some of the most formidable of the border chiefs, and, after the victory, received the crest of the hand and dagger and a bird in flight, signifying promptitude of action. This was the highest honor that could be conferred at that period of history, then under the Thanes of Scotland. Their motto was, 'Faithful and steady.' After the lapse of years, and enjoying their titles, some of the descendants emigrated to the north of Ireland, the province of Ulster, county of Antrim, and Londonderry, and held landed possessions to a considerable extent; but, fonder of war and adventure than a rural life—not blessed with the virtue of frugality—and disliking the forms of the British government, most of them bade adieu to the land of their nativity, and, as most ardent spirits do, sought adventure in foreign lands; the name having been abridged in the latter days to M'Clernand, and in the Highland Gaelic to M'Carnon, but all implying the same meaning or derivation."

John A. M'Clernand was brought up at Shawneetown. His education was acquired in the village schools, where he was kept by his mother as often as a teacher could be procured. In the then condition of the country, colleges and academies of learning were unknown. When not at school he worked on a farm, or in other ways, sometimes in hauling with a team. The teacher to whom he was most indebted for his acquisitions of knowledge was the late William Jefferson Gatewood, senator of the General Assembly of Illinois.

In 1829 he commenced the study of law in the office of Henry Eddy. This step was approved by his friends. He holds himself especially indebted to a revered friend, Judge Jepthah Hardin, for inducing him to enter *immediately* upon this pursuit. This gentleman says that he once came accidentally upon Mr. M'Clernand when he was splitting rails, and encouraged him to enter as a student of the profession. The latter informed the judge that he had already resolved to do so, and he was induced to apply to Mr. Eddy as a student, proposing to place himself immediately under his instructions. The proposition was accepted, and that gentleman not only took the young student into his library, but encouraged him by every

kindness to accomplish his purpose. He remained with Mr. Eddy four years, and in 1832 was admitted to the bar.

In 1832, at the age of twenty years, Mr. M'Clernand volunteered in what is known as the Black Hawk War, against the Sac and Fox Indians. He served in the ranks as a private until the war was closed by the battle of Bad Axe, so called. During the campaign, General Posey selected him to bear a hazardous express for nearly one hundred miles through a wild country infested by hostile Indians, a service which he gallantly performed.

Ill health rendered it necessary, after his return from the war, that he should defer professional practice until he should be restored by more active life. Accordingly, for two years, during 1833–4, he traded upon the Ohio and Mississippi Rivers. The pecuniary means thus acquired better enabled him to engage in his profession.

In 1835 he established the first Democratic press that ever existed in Shawneetown. The paper published, of which he was the editor, was called the "Democrat." In the same year he opened an office in Shawneetown, and commenced the practice of law in the several courts of the judicial circuit. He continued to practice his profession with success until his election to Congress in 1843. In the mean time, he formed a partnership with Albert G. Caldwell, a gentleman who had finished his studies in Mr. M'Clernand's office.

His political principles are inflexibly those of a Democrat. "Born one of the people," he says, "he continues one of the people." The late General Ewing, formerly senator in Congress from Illinois, when referring to him upon an exciting political question, said, "M'Clernand we can count upon; he is always for the democracy and his friends."

In 1836 he was elected to the State Legislature from the county of Gallatin. He was then twenty-four years of age. Politics ran high. General Jackson's administration was violently opposed. The Whigs expected to overthrow it, and, with it, the ascendency of the Democratic party. In this crisis, Governor Duncan, who had been repeatedly elected to Congress as a Democrat and political friend of General Jackson, made a violent attack upon him, in his message to the Legislature of 1836. He denounced him for the abuse of ex-

ecutive patronage; for wasteful and increased expenditures; for vetoing the bill to recharter the United States Bank; for the removal of the deposites, and for other alleged delinquencies. The friends of the governor, at home and abroad, predicted that he would be able to revolutionize the politics of the state. The contest became fierce, and the excitement intense.

In this state of things, a legislative committee was raised to investigate the charges preferred by the governor against the President. Mr. M'Clernand, in behalf of the committee, prepared and presented a report, which thoroughly discussed all the mooted political topics of the day, and defended and vindicated the administration of the President. It is known that the state was finally saved to the Democratic party.

During the same session of 1836–7, a system of internal improvements was adopted. Mr. M'Clernand had been elected, and, after his election, had been formally instructed by his constituents to support such a system. No alternative, therefore, was allowed him but to violate instructions, or vote for the system if he retained his seat. Accordingly, he voted for the system, and advocated, in a speech, the general policy of public improvements by the States. He has subsequently stated, in the councils of the state, that he regretted the *necessity* for the part he took upon this question more than any thing which has occurred in connection with his political career. Referring to this subject at a subsequent period, he thus expresses himself:

"If we look to the circumstances of the time, we shall find a satisfactory solution of the matter. Rail-roads and canals were the *mania* of the time. Banks had multiplied; paper money had become never so plenty; speculation had inflamed the public mind, and become rife throughout Europe and America. Causes of imperious and world-wide operation were driving nations and individuals, heedless and infatuated, upon the treacherous rocks of speculation. The extravagance committed by Illinois, was committed, in greater or less degree, by almost every state in the Union, and by thousands of individuals. Her failure, therefore, was not an exception, but a misfortune in which individuals and nations equally shared. The convulsion and the calamity were general; their causes originated in the great and mysterious law which appoints to human affairs

the periodical fluctuations which are typified in the diurnal fluctuations of the sea."

During the same session of 1836–7, a controversy arose respecting the Illinois and Michigan Canal, which had wellnigh defeated that great and popular work, and to the character of which we have elsewhere referred. Mr. M'Clernand was an efficient and bold advocate of what is known as the "deep-cut plan," which, with some amendments, was finally adopted. After the controversy had been adjusted, the offices of commissioner and treasurer of the canal were tendered to him, and he was elected unanimously, we believe, by the Legislature.

In 1837 he entered upon the duties of this twofold office. In the spring of 1839 the state found herself without adequate means to carry on the work, and Mr. M'Clernand, deeming it useless to continue his connection with it, resigned the office. His faithful administration of his responsible trust upon the canal was responded to by complimentary resolutions adopted at public meetings.

In 1838, some influential men, members of a State Convention, urged Mr. M'Clernand to accept the nomination for lieutenant governor, but he declined the offer on the ground, which he communicated to the Convention, that he was not thirty years of age, and was therefore ineligible under the Constitution. Among the resolutions adopted by this Convention, we see the following, which had previously been prepared by Mr. M'Clernand, and which he regarded as breathing the true spirit of democracy:

"*Resolved*, That the Democratic principle is founded on an imperishable basis of truth and justice, and perpetually striving to sustain society in the exercise of every power which can promote human happiness and elevate our condition; that, instead of warring against order, and encroaching upon the privileges of others, the spirit of democracy maintains an active principle of hope and virtue.

"*Resolved*, That we recognize no power but that which yields to the restraints of duty and is guided by mind; that we only seek to obtain influence by means of free conviction; that we condemn all appeals to brute force and the exercise of violence, and that our only means of persuasion are reason and truth.

"*Resolved*, That our first aim is to connect our party with the cause of intelligence and morality; to seek the protection of every right consistent with the genius of our institutions and the spirit of the age. We desire to extend moral culture, and to remove, as far as possible, all inequalities in our human condition, by embracing all improvements which can ameliorate our moral and political state."

After the success of the Democratic party in the gubernatorial election, Governor Carlin, during the session of the Legislature in 1838–9, nominated Mr. M'Clernand to the Senate for confirmation to the office of Secretary of State, to take the place of Alexander P. Field, a Whig. The Whigs, with the aid of two or three Democrats, who believed that the governor had no power to remove the incumbent, rejected the nomination. Afterward, during the same session, as we have stated, Mr. M'Clernand was elected canal commissioner and treasurer. His rejection brought in question the power of the executive to remove the secretary. The Democrats insisted upon the existence of such a power. The Whigs denied it, and, by consequence, as was alleged, affirmed the indefeasibility of the tenure of the office. The question became very engrossing and exciting. It became a question of "life offices" on the one side, and the "defeasibility of offices" on the other, according to the newspapers of the day. The people in primary meetings, and the press, took up the question. On the adjournment of the Legislature, the governor reappointed Mr. M'Clernand to the office. Mr. Field refused to vacate it, or deliver over the seal of state. This added fuel to the flame, and it was decided to test the question by judicial decision. A *quo warranto* was sued out against Mr. Field, to which he answered, denying the power of the governor to remove him. Judge Breese, before whom the court was held, delivered an elaborate opinion in favor of the power of the governor to remove the secretary, and against any doctrine favoring the indefeasibility of office. Mr. Field took an appeal to the Supreme Court, who reversed the decision of the Circuit Court, and confirmed him in the office.

The principle involved continued to agitate the public mind. The governor nominated one or two other individuals to the office, who were in turn rejected on the same ground. He, however, persevered in the assertion of his right to appoint his own

secretary, until at length he succeeded in procuring a majority in both branches of the Legislature favorable to his views, when, with the advice and consent of the Senate, he appointed a man of his own choice.

In 1840 Mr. M'Clernand was elected a second time to the Legislature from the county of Gallatin. A large majority of Democrats were returned to both branches. The most exciting question of the session was the passage of the new Judiciary Bill. The Supreme Court had given great offense to the people of the state, not only on account of its decision on the *quo warranto*, but especially with reference to the right of aliens to vote under the Constitution of the state. The Legislature went to work to reform the judiciary, and this was done. In the debate upon the bill having this last-mentioned object in view, Mr. M'Clernand, on the authority of a highly respectable gentleman, made a statement imputing improper conduct to the Supreme Court in regard to a cause involving the exercise of the elective franchise, to which Theophilus W. Smith, one of the judges of the Supreme Court, took exception. The consequence was a challenge from Judge Smith, which was promptly accepted by Mr. M'Clernand, who immediately repaired to the place of meeting. But the judge failed to do so, and the hostile meeting never took place.

In December, 1839, Mr. M'Clernand, Adam W. Snyder, then former representative in Congress, and afterward Democratic nominee for governor, whose election was only prevented by his death, James H. Ralston, Isaac P. Walker, and John W. Eldridge, were nominated by a State Convention for electors to support Martin Van Buren and Richard M. Johnson, Democratic candidates for President and Vice-President. The Whig ticket for electors, pledged to support General Harrison and John Tyler, were Samuel D. Marshall, Edwin B. Webb, Abram Lincoln, now representative in Congress, Cyrus Walker, and Buckner S. Morris. The canvass was no ordinary one. It was an energetic struggle, protracted for months: the stake was a state which might, as was supposed by many, decide the election. The result was a majority of about four thousand votes for Van Buren and Johnson in that portion of the state, the majority in the whole state being about nineteen hundred. On a late occasion, Mr. M'Clernand, in a speech review-

ing and vindicating his political conduct, thus refers to that contest:

"In the same year, fellow-citizens, I became a candidate for elector for President and Vice-President. If ever there was a time that tried men's souls, that was one. The chaff was winnowed from the wheat, the dross was purged from the pure gold. Thousands and tens of thousands, professing the noble cause of democracy, went over to the tents of the enemy, to swell the syren pæans of a chieftain, or to secure on the side of numbers what they could not expect from the defeat of principles. Where was I then? Did I not stand firm? Was not my voice heard loud and distinct, cheering on the democracy to duty and to combat? Did I not fight the good fight, and keep the faith to the end? It is for you, fellow-citizens, not me, to answer. Illinois, I am proud to say, stood unscathed and unshaken in that terrible conflict. She loomed up, amid the infernal chaos that rolled around, a sturdy and towering rock, upon which the scanty but dauntless legions of democracy have since rallied for renewed and victorious contest. Never, my countrymen, was I prouder than when you and others, inhabiting the same part of the state as myself, commissioned me to deposit in the electoral college at Springfield a majority of four thousand votes for Martin Van Buren for President and for Richard M. Johnson for Vice-President."

We have stated that in 1840 Mr. M'Clernand was elected to the Legislature for the second time from Gallatin county, being at the same time a candidate for elector. His position as a leading representative of the Democratic party, in the character of a nominated candidate for elector, arrayed against his election to the Legislature the most active and vigilant opposition by the Whigs. He was attacked through the press, by anonymous hand-bills, and by every mode of party warfare; yet he met his opponents every where, and was elected to the Legislature by a larger vote, we believe, than was cast for him as a candidate for elector for President and Vice-President.

In 1842 he was elected to the Legislature for the third time from the county of Gallatin. At this time, as we have stated, Illinois was involved in complicated embarrassments: for bank stock subscribed in the banks of the state, more than three millions of dollars; for internal improvements, more than ten

millions; besides other considerable items. The banks had failed—their paper was depreciated—the people were largely indebted to them—the public works had stopped—the taxes were high, and the hopes and energies of the people wellnigh crushed. Mr. M'Clernand attributed the misfortunes under which his state was suffering to the evils of the banking system. Speaking of the undue extension of that system in 1842–3, he said:

"The vessel of credit weighed anchor, spread her canvas to the gale, and announced her destination to be the fabled El Dorado. For a time she skimmed the waters as 'a thing of life;' but anon the storm came; the waters were disturbed, and the frail bark was dashed upon the rocks, and the multitude who thronged her decks were cast upon the rough seas, to become the prey of the sharks that followed in her wake! Such was the experience, such the rise and fall of the banking system. During its short career, individuals, communities, and states were precipitated into bankruptcy, Illinois among the number. The part she played in the thickening drama was to set on foot a system of improvements amounting to eleven hundred miles of railway! an enterprise in which all seemed to agree at the time, but which all now agree to condemn."

As chairman of the Committee of Finance, he brought forward a series of measures, which had been recommended by Governor Ford, and enforced by the then financial officer of the state, the gallant Brigadier-general Shields: *one*, to dissolve the connection between the state and the banks, and to exchange the stock of the state in the banks for an equal amount of the liabilities of the state—three millions seventy thousand dollars; and *another*, to sell the lands and other property bought and held by the state in connection with the projected improvements. A third measure was the proposition for an arrangement with the holders of the bonds issued for the Illinois and Michigan Canal, brought forward by Michael Ryan, chairman of the Canal Committee, to redeem the canal debt and secure the completion of the work by putting it in the hands of trustees, subject to the appropriation of its profits by the creditors for the canal until they should be reimbursed.

Mr. M'Clernand supported all these measures by his vote, and was active in securing their adoption. In another portion

of a speech already quoted, on the divorce of bank and state, he said:

"I desire to see the bill before the House speedily passed. It will open a new era to Illinois—the era of democracy, hard money, and no banks! It will restore our former habits of industry and economy, and the attendant consequences of prosperity and contentment. I desire that Illinois may claim to be the first state to rid herself of all banks, that her example may be followed by her sister states, not only in this regard, but also in the total disuse of bank issues in the collection and disbursement of the public revenues."

Speaking of the probability of the success of the several measures he had brought forward, and calling upon the House to come to his support, he said:

"This, sir, would be a great consummation; one which would be worthy of the best efforts of the patriot and statesman; one which would bring joy to the hearts, and hope to the firesides of an oppressed and impoverished people. For it I have struggled through evil and good report, with friends and against opponents, in, and more especially out of, this House, and for it will continue to struggle, whatever may be the consequences. If I fail here, I will appeal to Cæsar—I mean the people, who are greater than Cæsar—whose judgment I know will be in my favor."

It was the good fortune of Mr. M'Clernand to see all these measures adopted.

In 1843, while he was still a member of the Legislature, he was elected a representative in the twenty-eighth Congress. His opponent was Zadok Casey, a gentleman well known to us, who had for many previous years been a representative in Congress from Illinois. Mr. M'Clernand was supported as the regular Democratic candidate, and was elected. The contest between him and his opponent was a very active one between themselves, and very exciting throughout the district.

Before taking his seat in Congress, he married Sarah, the daughter of Colonel Dunlap, of Jacksonville, Illinois, one of the most respectable and influential families in the state.

As a member of the national House of Representatives, he soon won the confidence of his political friends. His first speech, which was upon the bill to remit the fine imposed upon Gen-

eral Jackson by Judge Hall, evinced the warm affection which he had cherished from his youth for that illustrious man. The following extract embodies his statement of the case:

"A word or two, sir, with regard to the particular offense alleged against General Jackson, and I have done. Not to speak of the disparity which existed between the British and American forces, the inferiority of the latter in point of discipline, numbers, and arms, and the imminent danger to which the city of New Orleans, and the entire trade of the West, upon the Mississippi and through the Gulf, was exposed, General Jackson was threatened with internal enemies—ay, with treason in his camp. A number of the French population of the country had entered service under the general, and, from various causes, had become impatient of the service. With this feeling, it became a common practice to apply to the French consul, Toussard, for certificates to exempt them from military duty. This practice was continued, much to the detriment of the service. General Jackson, therefore, on the 28th of February—martial law being in force, and the city of New Orleans his camp—issued an order to all persons holding these certificates, countersigned by the commanding general, to retire from the city into the interior of the country. Louallier, a Frenchman, in a spirit of disaffection and insubordination, immediately upon the issuing of this order published an article in the 'Louisiana Gazette,' denouncing the order as tyrannical and unjust, and calling upon the French population to flock to the standard of the French consul for protection. The effect of such conduct was to increase disaffection and to encourage treason in his camp. He therefore caused Louallier to be arrested. Application was made to Judge Hall, upon affidavit, for a writ of habeas corpus in behalf of Louallier, which was issued and directed to the general, who refused, upon demand made, to deliver the body of Louallier. These are the main facts of the case, so far as it relates to the failure of the general to comply with the writ of habeas corpus, which is the point most relied on by those who object to this bill. The question presented is simply this: was the general, under those circumstances, bound to obey the writ? Surely not; and for this reason: New Orleans was his camp, and he had declared martial law from the *necessity* of the case; martial law was the paramount law for the time. The civil authority, as far as it came in conflict with the reasons of necessity upon which it was declared, of course yielded."

When it was asked by those who resisted the refunding of the fine why martial law was not declared at Washington as well as at New Orleans, Mr. M'Clernand replied:

"On this point I can not give any information; but this much I can say, that I would to God there had been martial law, or any other kind of law which recognized American authority and honor, and not the law of British bayonets and conquest. Yes, sir; General Jackson was not here, nor was martial law here; but Admiral Cockburn and General Ross were here, and British rule and rapine were here.

"'Murder bared his arm, and rampant war
Yoked the red dragons of his iron car.'

The President and cabinet were put to flight; the government was broken up; the Capitol was wrapped in flames; our colors—the proud ensign of the Republic—were rudely snatched from their height, and trampled in the dust; the monument erected to the memory of the naval heroes who fell at Tripoli was defaced and desecrated; this city was sacked and plundered. Yes! the American eagle

was made the *plaything* and *sport* of the British lion. All this was here; and to this gentlemen would point as an argument against General Jackson's martial law—against the suppression of treason, and the recovery of the American name by the brilliant victory of New Orleans."

Again he said, portraying the character of General Jackson:

"He is the incarnation of the popular principle of the age. He speaks the voice of a great people; and past events prove that his country is resolved that his fame shall go down to posterity untarnished. The fact that this act of reparation has been so long neglected, serves only to strengthen the reason for attending to it now. Debts of gratitude are not bound by the statute of limitations.'

During the same session, 1843–4, he delivered a speech in favor of the repeal of the second section of the Apportionment Law, requiring the states to elect representatives to Congress by single districts. [See title, HOWELL COBB.] The grounds of his argument were substantially these:

"The Constitution declares that the times, places, and manner of holding elections for senators and representatives shall be prescribed to each state by the Legislature thereof, but the Congress may at any time, by law, make or alter such regulations, except as to the places of choosing senators."

Congress omitted "to make or alter such regulations" themselves by their own direct act, but, instead, called upon such of the states, by law, as elected representatives by general ticket, to cease to do so, and thereafter to elect them by districts. Mr. M'Clernand held that this exertion of power was liable to several serious objections, because it affirmed a subordination of the states to Federal authority otherwise than as expressed in the Constitution; because, by a sort of numeral process, it converted one power into two—the power of Congress to do a particular act, into a compound power to require the states to do the same act; and because the law, under the circumstances, would have thrown upon several states the expense and trouble of holding extra sessions of their Legislatures to comply with the mandate of Congress.

During the same session, he delivered an elaborate speech on the Rhode Island controversy, which was very extensively published.

During the second session of the same Congress, he brought forward, as a member of the Committee on Public Lands, a comprehensive and interesting report, accompanied by a bill for a grant of land to aid in the completion of the Illinois and Michigan Canal.

In 1845, in the course of public discussion in regard to the election of governor, which was to take place during the next year, the name of Mr. M'Clernand was mentioned as a nominee for that office. It is understood that his friends would have put him in nomination if he had consented. In answer to a letter upon the subject, he said:

"SHAWNEETOWN, *July* 11, 1845.

"DEAR SIR,—I am deeply sensible of the obligations imposed upon me by the partiality manifested by you, and other political friends in my behalf, for the office of governor. I assure you, sir, it will ever be my pride, as it will be my duty, to cherish a distinction so honorable and flattering to my ambition, as one of the most grateful recollections of my life. But, in making this acknowledgment, it is proper to state, in answer to your inquiry respecting my 'views and wishes on the subject,' that I have no disposition whatever to aspire to or occupy the station in question. Indeed, I would avoid rather than covet its honors and weighty responsibilities, especially as it is hardly possible a contingency can occur that would demand of me, as a patriotic duty, the sacrifice of my personal inclinations in the matter for the public good. Whatever pretensions, therefore, I may be supposed to possess in relation to the office, I cheerfully resign in favor of those who are willing to accept it, and are better able to serve the state to advantage than myself, and doubtless there are many of this class."

In 1844, in consequence of a change of the usual time, by an act of the Legislature, another election for representatives in Congress came on. Mr. M'Clernand was re-elected without opposition.

He voted for the annexation of Texas, and for the modification of the tariff. He voted, also, for the notice to terminate the convention with Great Britain for the joint occupation of the Oregon Territory. He was one of the number who insisted upon the maintenance of the extreme claim to fifty-four degrees forty minutes, and was earnestly bent upon its assertion. He took an active part in favor of measures to protect our emigrants on the route to Oregon, particularly in favor of the bill for a regiment of dragoons designed for that purpose. As chairman of the Committee on Public Lands, to the various

and responsible duties of which station he devoted himself with constant assiduity, he brought forward a bill, accompanied by a report, to grant to the State of Tennessee the public lands of the United States lying within her limits. These lands had been the subject of a report and bill by President Polk, when he was representative from Tennessee, the object of which likewise was to grant them to that state. The bill reported by Mr. M'Clernand became a law.

No member has given a more zealous support to the administration in its measures touching the Mexican war. He has voted to place at the disposal of the executive all the men and money demanded to give success to our arms. His views as to the justice of the war, the plan of prosecuting it, and its consequences, were fully expressed in a speech delivered on the 16th of June, 1846.

During the first session of the twenty-ninth Congress, he brought forward one of the most important measures then attracting public attention, the bill to reduce and graduate the price of the public lands, upon the principles and details of which he had bestowed great consideration.

A bill for a similar purpose was reported a few days later by Mr. Breese, in the Senate, and passed that body. When sent to the House, where the original House bill was under consideration, it was taken up in preference to the other, and, having been amended, was passed. The Senate amended the amendments of the House, and the bill, when again returned to the House at a very late period of the session, was laid on the table.

At the ensuing session, as chairman of the same committee, he took an active part in favor of the bill to bring into market the mineral region lying around Lake Superior, valuable for its extent, and the quantity and rich quality of the copper found there. This was the consummation of the policy commenced during the previous session, by a similar bill, reported from the Committee on Public Lands, for the sale of the lead lands in Illinois, Iowa, Ouisconsin, and Arkansas, which became a law.

He voted, at the last session, against the Wilmot Proviso, taking an independent position, and opposing the agitation of the question of slavery as ill timed and unwise.

He is not understood to have at any time denied the power

of Congress to appropriate money for needful national objects of internal improvement, but he has denied the policy of the exercise of such a power upon the ground that, from experience and the comparative irresponsibility of the members of Congress (selected in each instance either by a state or a district) to the whole people of the Union, the power must be abused. He has voted accordingly.

During the last session, he was called on by the Jackson Monument Committee to present their memorial, which he did. On that occasion he pronounced a eulogy on General Jackson which was highly esteemed, and which we noted at the time for transfer to these pages. He said:

"Mr. Speaker, I rise for the purpose of presenting the memorial of the Jackson Monument Committee of this city, praying Congress to place at the disposal of that committee four brass cannon and two brass mortars, weighing in all 4930 pounds, to be used as material in constructing a monument to General Andrew Jackson, and to ask for the memorial the favorable consideration of this honorable body. Too much praise can not be bestowed upon the members of this committee for their zeal and public spirit in so noble an enterprise, or upon the country for the promptness and liberality with which they have responded to it. To this extent they have disproved the charge, if it be not altogether untrue, that republics are ungrateful. The committee represent that they are now assured ample means may be obtained by voluntary contributions to ensure the early completion of the monument. They state that the column of Napoleon, formed after the model of that of the Emperor Trajan, is made of the cannon taken by Napoleon at the battle of Austerlitz; that the equestrian statue of Wellington, now in course of completion, is to be made of the brass pieces captured by that general at Waterloo; and it satisfactorily appears that the pieces asked for are the same which were captured by General Jackson in a gallant and brilliant affair at Pensacola in 1814, and that they are now unserviceable. From these considerations, the committee appeal to Congress to devote these pieces to the purpose of perpetuating the form of the illustrious chief whose skill and valor gave them to his country. This disposition of these trophies is peculiarly appropriate; not that 'sculptured stone' or 'ever-during brass' can add to the imperishable renown of Andrew Jackson, but because it is just that a statue raised by a grateful people to the memory of a departed hero should embody in its form a part, at least, of the tokens of his victories. It is not only sanctioned by custom, but is eminently proper as a means of perpetuating the influence of the virtuous and patriotic examples of 'the illustrious dead.' This is not the proper occasion to pronounce a *formal* eulogy upon the man whose last aspirations were for the welfare, the glory, and happiness of his country. But I may be allowed to say that Andrew Jackson was a man of no common order. Left fatherless and friendless in his youth, he wrote the word '*excelsior*' upon his crest, and pushed his way upward and onward to power and distinction, from the rank of a private to that of a general, and from the position of a citizen to that of chief magistrate of the republic. The name of Jackson—the indomitable—the strong-willed—the honest—the unflinching—the man of iron—has become a household word to his countrymen, an invocation of patriotism and duty to all lands. What he said and did is written on that record of words and deeds accumulated from the heroism and wisdom of

ages; and there, as a lesson and incentive to posterity, it will be written forever. Endowed, perhaps, with a less bold and subtle philosophy than Jefferson, with a less dazzling and theoretic genius than Napoleon, he was the equal of both in energy and concentration of purpose—their superior in the attribute of common sense. His principles were lofty and stern—proof alike against power and corruption. As Aristides, he could have written, unmoved, the ballot of his own ostracism, or watched, untempted by the flickering torches of night, over the treasure which strewed the field of Marathon. As a general, he was active and daring, yet vigilant and judicious. To constancy and fortitude he added impetuous and almost romantic valor. At the battle of New Orleans he won the crowning glory of his military career. There he confirmed the great truth proclaimed upon the classic plains of Platæa—the pre-eminence of free states, in the defense of their hearth-stones and independence, over the unwieldy empires of crowned conquerors. As it is the habit of a free people to delegate great authority to one man, who is the reflex of the popular will—the individualized Argora, through which the voice of a nation is heard in after ages—so it is not to be wondered that Jackson, with such qualities as he possessed, should have been that man to the people of his time. The pride we feel in the man is not a partisan pride. It arises from what he did for his country. There are many in this hall who bearded him—unsuccessfully, it is true, but fearlessly—when he was wrapped in his pride of power and place, and wielded with boldness and energy the sword of state. But this arose from honest difference of opinion. It was not discreditable to them nor him. All that fierce denunciation, generated and sustained by party zeal, has passed away with its cause. There is no Vandal hand to tear away the first leaf in his chaplet of laurel; and the smoke of detraction which was to obscure his fame has passed away forever. I have no more to add. I am confident that the prayer of the memorialists will be granted by this honorable House."

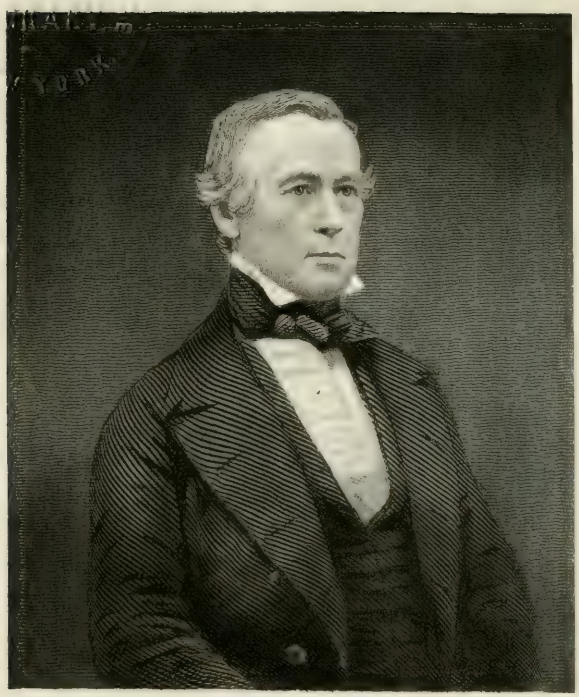
In 1846 Mr. M'Clernand was elected a third time to Congress, and again without opposition. In the course of the past summer he was frequently called upon to address the soldiers returning from the war. At a public dinner given in Fairfield, on the occasion of the celebration of the return of the Illinois Volunteers, being called for, he delivered an address to the assembled multitude, numbering near four thousand persons, which thus concludes:

"I can not, gentlemen, like many of you, claim the merit of having served my country in the present war, but I have strove, nevertheless, to do my duty in another branch of the public service. As your representative in Congress, I have voted all the supplies demanded to give success to our arms; perhaps no one has labored more earnestly to secure the soldier a just compensation for his patriotic services than myself. For the first time since the establishment of the government, a bounty of land has been granted to volunteers by the act of the last Congress. This was right; such a provision will enable the meritorious soldier to retire to an independent home, blessed by the charms of domestic life, if he should survive the chances of war. With my opinions, if I had voted otherwise, I would have felt myself as guilty as the judgment of the world has pronounced the Scots who sold their king for money.

"Now, gentlemen, in conclusion, allow me to exhort you to support our civil institutions as one of the highest duties incumbent upon citizens and patriots. Study and understand their twofold character; remember that they are both local

and general, state and federal; and to what is federal, accord the things that are federal; to what is state, the rights of the states. In short, uphold the whole system by confining the action of its several parts to their appointed spheres. Thus guarded and protected, the Union will long endure as the arc of our political safety: like the grain of mustard-seed compared in the parable to the kingdom of God, it will grow and continue to grow until its shadow shall cover the whole earth."

The public life of Mr. M'Clernand has been remarkably active, successful, and full of events. His habits are laborious and persevering; and if there is one attribute which shines conspicuous in his character, it is his indomitable energy. His style of speaking is clear and argumentative, and his devotion to the political principles he professes of the most ardent description. In all matters of public duty, as well as of individual business interests, his constituents have found in him a laborious and faithful representative.



J. G. Chapman

CHAPMAN, JOHN GRANT.

THE first Congressional District of the State of Maryland, which comprises the several counties of St. Mary's, Calvert, Charles, Prince George's, Montgomery, and part of Anne Arundel, is represented by this gentleman. His residence is near Port Tobacco, in the county of Charles. His ancestors have resided in that county for many generations. His paternal ancestors came, we believe, from Cambridgeshire in England, more than one hundred and fifty years ago. His grand-maternal ancestors, Macphersons by name, came from Scotland, but at what precise period we are not informed, the record of the Chapman and Macpherson families having, a few years since, been lost or destroyed.

His maternal ancestors—Grants, Tylers, and Parkers by name—emigrated more recently from Scotland. His great-grandfather, James Grant, was in the Rebellion of 1745, and amid the disturbances came to this country. He is represented to have been a high-toned Cavalier, and a bold and chivalrous gentleman.

His grandfather, John Grant, was born in Charles county. He died young, at the age of thirty-two, but lived long enough to establish a character for boldness, energy, and intellect, combined with the most generous and noble impulses. Though he has been dead some sixty years or more, his name is yet held in remembrance by the descendants of those who lived around him, and who admired and honored him.

His father was a gentleman and a planter. Although well qualified by intellectual capacity for any station, he always refused to enter upon public life. His early education had been limited, for he was a boy during the war of the Revolution, when most of the schools were closed. Such was his anxiety to do service in the cause of his country, that, although only twelve years of age, he ran away from his father to join his el-

der brother, who was an officer in the Maryland line. He was sent for and brought back home.

John G. Chapman was born near his present residence on the 5th of July, 1798. His early life was marked by a feeble constitution and delicate health, by reason of which his studies were more than once abandoned. The first four years of his education were spent under the tuition of the Reverend John Weems, the rector of the parish. It was completed in Pennsylvania and New England.

In 1818 he commenced the study of law in the office of the late Samuel Riddle and Judge Alexander Thompson, at Bedford, Pennsylvania. After a year spent under their instruction, he went into the office of the then Attorney General of the United States, the late William Wirt, at Washington, and continued with him until admitted to practice. Admiring the science, Mr. Chapman possessed little taste for the practice of the profession. His inclinations tended toward literature, a pursuit which he would have chosen had he then been in a situation to gratify his preference. His father, moreover, was an active, energetic man, unwilling to see his son a book-worm, and he thought that he should make himself as *useful* as possible.

When he came to the bar in 1820, he obtained a more extensive practice than he desired, and would have remained in the profession, but that, in 1824, he was sent to the Legislature, and, his father and uncle dying about that time, heavy cares and responsibilities were thrown upon him in the settlement of their estates, and in the care of his father's family. After the year 1826, his duties in the Legislature detained him from the spring courts in the district, and he thus gradually withdrew from the practice.

He took his seat in the Legislature of Maryland, as a delegate from Charles county, in December, 1824, and continued a member of that body, by successive re-elections, until October, 1829, when the condition of his private affairs made it necessary for him to decline another election.

At the first and second sessions of his service in the Legislature he was a member of the Committee on Grievances and Courts of Justice; and in 1826, his third session, he was chairman of the Committee of Ways and Means, the most laborious station in the House. Before the close of that session the

speaker resigned his office, and Mr. Chapman was elected in his stead by a unanimous vote. He continued to hold that office until his retirement from the House in 1829. In 1830 he was again sent to the House of Delegates, and, at the end of the session, again declined another election. In September he was elected a member of the State Senate, in which body he remained until 1836, when his term expired. During the last three years of that term he served as the President of the Senate, by its unanimous vote. He then retired from political life, as he thought, forever; but in 1843 he was again solicited to be a candidate for the House of Delegates, that, by his advice and experience, he might aid in extricating the state from embarrassment, and in saving her from repudiation. He consented to serve, and was again elected. His speech at the ensuing session, in favor of the bill to provide for completing the Chesapeake and Ohio Canal from the revenues of the work, is among his best efforts to sustain the policy and uphold the credit of his state; and he thus speaks of the possibility of repudiation, however remote or contingent:

"Those who think that the interests of the state require that this canal should be completed are met by objections, that expectations have not been gratified, results have not been realized. Sir, did any man ever expect any results from this undertaking until it shall reach the mountains? And, from the commencement to the present day, no man has had the hardihood to advance the opinion that any profit could flow from this work until it shall reach that point where Nature has piled up wealth for you in uncounted millions. Sir, when Columbus stood upon the eastern shore of the great Atlantic, he reasoned that there must be another shore to that ocean, and upon this hypothesis he founded his opinion as to the existence of another continent. For eighteen years he labored to convince the learned and opulent men of Europe of the truth of his theory. Yet he was opposed by the learned men of the University of Salamanca, and by all the wealthy and noble of Spain for eighteen years. And after he had succeeded in fitting out an expedition under the patronage of Queen Isabella, the difficulties which he encountered were enough to appal the stoutest heart. Sir, if the stratagems which he resorted to had failed to deceive his followers, and he had been compelled to retrace his steps but one hour before the coast of San Salvador was discovered, he would have been denounced as a madman. Yet a continent with its mighty resources is the result of his perseverance.

"And now, sir, we are to determine whether we will make one effort to retrieve our situation. Shall we refuse to provide the means of bringing to market the greatest staple we possess, when we can do it without the cost of a dollar. Sir, let us refuse to avail ourselves of this one chance of relief, and I will not pretend to foretell the consequences. A large portion of the people of this state look to this canal as likely to afford the means of paying off the state debt. It is proper that it should be tried. The experiment will cost us nothing. Sir, I can not believe that repudiation would be the consequences of a failure to complete

this canal, or to provide any means at this time to pay off the state debt. No, sir, such a heresy can not take root amid the institutions which are growing up in the state. Now, when religion is progressing; education fostered and encouraged; benevolent societies asking every year for corporate existence, to enable them the better to carry out their works of charity; institutions daily springing up to purify our condition; lyceums being erected in every village; the preacher and the schoolmaster abroad in the land, teaching the lessons of wisdom and salvation; the learned, the gifted, and the wise bearing their parts in public instructions, teaching men their moral accountability, and directing their attention to the varied responsibilities which rest upon them in their relations to society. In such a state of moral improvement, can it be believed that repudiation will find favor in the state? How, sir, will you meet your engagements? The bill which has been passed to collect the revenue, together with others which the Ways and Means Committee have reported, may possibly enable us to pay the interest in good faith without further taxation. But, sir, there is a day ahead of us when the principal debt is to be paid, and it becomes us to make arrangements to meet it. Sir, when this debt was first commenced, it was thought to be prudent to provide a sinking fund, by the operation of which the bonds could be met at maturity. That system has in part been defeated, and it becomes us to provide some other means by which we may obtain ultimate relief; and if this canal shall fail, which would be against the settled laws of nature, and the results of every other coal canal on earth, or if you refuse to try it, and throw away the large amount already expended upon it, taxation without end, or repudiation will be the inevitable result. Sir, repudiation may find favor among the politicians and demagogues, but never among the discreet, the prudent, the sober-minded people. Sir, that class of men who, regardless of the interests and honor of the country, seek to stir up the worst passions of the human heart, to create an element more congenial to their own nature, who flatter and deceive the people for the accomplishment of their own purposes and the gratification of their own views, do not reflect the sober judgment of a virtuous people. No, sir, the descendants of the Puritan pilgrims who settled this ancient city will never see the stars and stripes torn loose from their halyards, and the black flag of the pirate unfurled over the dome of your Capitol.

"The high tone of public morals is yet capable of resisting a heresy which would destroy the civil institutions of the country by the extermination of the virtuous feelings of the people. But who can look through the vista of future ages, and say what disastrous events lay behind the cloud which would hang over the prospects of the state if all hope of the liquidation of the debt from other sources than taxation is to be cut off? I will not attempt to raise the curtain which hides those scenes from our view, or to pierce the gloom which, by the extinction of hope, would overshadow our country with more than midnight darkness. Let us, then, look to the great principles which entered into the organization of our government, and study the character and conduct of those illustrious men from whom that form of government has been handed down. We shall learn lessons of wisdom from the noble example and pure precepts taught in their lives; we shall, moreover, learn that 'the demagogue is the worst enemy of the people;' that the true course of virtuous ambition is not to found its fame upon the plaudits of the multitude, but upon 'the sober judgment of the wise and good;' upon that distant praise which speaks from the hearts of millions, and 'gives back from the tomb the echoes of its own deep thankfulness.' The eye of the state, sir, is upon us. Public expectation is anxiously awaiting the solution of the problem whether a republic can exist amid the excitement of conflicting interests, or fulfill engagements which may produce uncertain results. The honor—the welfare of

the state is committed to your keeping—*sacra suosque tibi, commendat Troja penates.* Let us not disappoint those high expectations."

In the spring of the year, before his return home, the people of his county, without his knowledge, and against his consent, presented his name to the Whig Convention as a candidate for the office of governor. In presenting his name, the meeting say:

"We offer to the consideration of the Convention the name of our distinguished fellow-citizen, General John G. Chapman, as one who, we believe, if elected, would do honor to the station, and discharge the executive duties of the office of governor with fidelity and ability, and with an eye to the high honor and best interests of his native state. In offering General Chapman to the consideration of the people of the State of Maryland, we do it from no mawkish county pride or sectional feeling, but from the honest conviction of our minds that he possesses the requisite talents, an elevated purity of character, a sterling integrity, and a dignity and suavity of manner well befitting the station to which we wish to see him elevated.

"We might with pride recur to his long and faithful services in the councils of the state; but what for? John G. Chapman's *is no obscure name.* He is well known throughout Maryland, and his fellow-citizens need no promptings on that head; but we should prove recreant to him, our faithful delegate, if we did not express our decided approbation and admiration of the noble and splendid efforts he made at the recent session of the Legislature to sustain the credit of the state in her now financial embarrassment; and, further, for his masterly support (although unavailing) of a measure, which we believe must become a vital one, to prevent the *degradation* and *ruin* of the state. We need hardly stop to speak of his political principles; when the Whigs of Charles county offer a man, and ask the support of their Whig brethren for him, there can be no mistake how he stands on that score."

It is asserted, that if the wishes of the party had been expressed by the Convention, the nomination would have been cast upon him. In October, 1844, he was again elected to the House of Delegates, and, on the meeting of that body, was elected speaker by a unanimous vote. Upon this occasion the Democratic party behaved with a courtesy and kindness which

demonstrate that good feelings can still exist among political opponents. A prominent member of that party called upon one of the friends of Mr. Chapman, and said that his friends desired to vote for him, if that course would not be objected to. At the close of every session during which he had presided, the customary vote of thanks was moved by a member of the opposite party, and was always unanimously accorded. A highly reputable cotemporary, speaking of this particular branch of his public services, says, "Although he has always been a consistent, unflinching Whig, yet so conciliating has been his course, that I have never heard a word of complaint from a single individual differing from him in political sentiments. He has always been ready to do justice to every body but himself."

The first state paper which he prepared was a report, at the session of 1824–5, upon the Insolvent System of Maryland. In that report he reviewed the action of the Legislature upon the subject. He took the ground that the liberty of a man could not be forfeited for debt; that, although the law authorized the taking of the body of the debtor, yet it did not contemplate that the creditor should hold him, or that he should be immured in a prison—the meet abode for *crime* alone—to satisfy the demand; that his energies were to be left unrestrained, to enable him to realize the means of redeeming his engagements; and that, apart from its inhumanity, the system was against the policy of the law and of society. To his everlasting honor be it said, the report contained the *first* recommendation to the Legislature of Maryland to abolish imprisonment for debt, and the bill which he reported contained a section dispensing with residence in the state. We feel humiliated to record that this system of imprisonment still remains a foul blot on the escutcheon of the state, modified, indeed, within a year as respects the stranger and the sojourner, but still a blur darker than midnight. People of Maryland! descendants of men who shed *their* blood and offered up *their* lives that *you* might be free! rise up in your strength, and efface this stain from your statute-books! Go, look at your prison records! see what tales *they* tell of strangers waylaid in darkness; of citizens—whose only *crime* was their misfortune—torn from their peaceful pursuits and the bosoms of their families, that they might take a place *almost* by

the side of the felon and the murderer! As you walk the streets of your metropolis—as you gaze upon your lofty monuments—as you think of the deeds they commemorate, and feel the noble impulses they inspire, ask yourselves if it is meet that *such* a city should be converted into a foundry, where white men's chains may be forged forever; or whether, if it *must* remain so, it were not more fitting that you should raze those monuments to the ground, that not one stone might be left upon another? We know something of the spirit of your people—we know that braver or more generous hearts beat not on earth, and we believe that it is but for them to *know* and *understand* the evil that is done in their midst, in the name of Liberty, to ensure its extirpation from your soil.

At the next session Mr. Chapman sought to remedy other evils. A practice had existed in the state of bringing a separate suit against each party to a bond or note. If, for instance, there were six obligors to a bond, or six endorsers to a note, there would be as many suits. This system was oppressive to debtors, many of whom were ruined by the costs which accrued to lawyers, clerks, and sheriffs. It was said that there was no remedy. Mr. Chapman thought otherwise, and, with much care, prepared a bill, which was submitted to the supervision of the late Judge Clement Dorsey, a humane and an experienced lawyer. The bill was reported, and became a law. It has saved thousands of dollars to the debtor class of the community. It was entitled "An Act to prevent the unnecessary Accumulation of Costs in Civil Suits"—December Session, 1825, chapter 167.

Great confusion had existed in the land-titles of the state by reason of the records of the courts not having been kept up as required by law. On the motion of Mr. Chapman, an inquiry was instituted into their condition, and measures were adopted to have the records completed and thereafter kept up. Mr. Chapman had seen the evil, and was resolved that it should be corrected.

At the session of 1826, he was chairman of the Committee of Ways and Means until the House of Delegates had nearly completed all its financial measures. The finances of the state at this time were in a condition which required a mind of no ordinary capacity to devise the means to meet its heavy and

increasing obligations. The journals of the Legislature and the voices of an approving constituency testify to the manner in which he discharged his responsible duties. A new treasurer had been appointed, and many changes were to be made in the organization of the department. The treasurer, George Maccubin, was an able and faithful officer; and, with his aid, such ways and means were suggested as put the treasury in a condition to meet all demands upon it.

About this time the state commenced her system of internal improvements. Mr. Chapman advocated it; and, looking to the probability of large demands to be made upon the treasury, he prepared and reported a general system of taxation, to reach all the property in the state. A direct tax had been in existence since the war of 1812, but it had been reduced to thirty thousand dollars, and was kept up as a nucleus upon which to raise additional means when necessary. That tax was levied upon the visible property of the state, ratably by the counties. It is reported to have been unequal in its operation, and unjust, being paid mainly by the agriculturalists; it was defective as the basis of a system. Mr. Chapman thought that, according to the Bill of Rights, every man should contribute according to the actual value of his real and personal property. This principle met with opposition from the moneyed interests of the state. It was understood that an informal agreement existed on the part of the Senate, that, if the House would pass the appropriation bills for the Baltimore and Ohio Rail-road Company, the former body would pass the General Tax Bill, as all such bills must first be passed by the House of Delegates. The House passed both bills and sent them to the Senate, which last-named body passed the Appropriation Bill, but rejected the Tax Bill. It is said that Baltimore influence defeated it. This apparent breach of faith naturally led to some irritation. The existing direct tax of thirty thousand dollars depended upon annual enactment; and, although Mr. Chapman was then speaker, he left the chair, and made a report from the Committee of Ways and Means recommending a discontinuance of that unequal and inadequate tax, and effected it. The principle of the bill which Mr. Chapman had reported is now the basis of the system adopted by the state. He defends it as the correct principle, and insists that if it had been adopted when the bill was first reported, the state would never have suspended.

The primary school system in Charles county owes its success more to Mr. Chapman than to any other individual, although many others labored long and arduously in the cause. Through his exertions, a sufficient fund was accumulated by reinvestments of a small annual surplus to put the system in operation.

The Washington Monument in Baltimore presents another subject of interest, in respect to which, we believe, we are not mistaken in attributing to Mr. Chapman the credit of obtaining satisfactory and successful legislation. That work had cost a large sum. The state had appropriated to its completion the avails of the lottery system, in addition to a special lottery grant; but, believing that there had not been the necessary prudence in expending these means, the Legislature had stopped the application of the funds; an investigation was made by the Committee of Ways and Means; a detailed report followed, and a bill, appropriating the necessary funds, was reported and passed. Under that act the monument has been completed.

It is every where known that the State of Maryland has encouraged and aided a system of improvement beyond her means. It is asserted, however, that her embarrassments have been produced by unwise management and improvident expenditures on the part of the companies more than by extravagant appropriations; and that, if the state bonds had not been wastefully sacrificed, her works would have been comparatively free from debt. Those who advocated a liberal and enlarged system deny all responsibility for the waste and misappropriation of the funds. From the commencement of the system, Mr. Chapman has never doubted as to its propriety. Some of the views which have controlled his conduct in respect to it, we find thus expressed by himself:

"The situation of Maryland is, in many respects, a delicate one, as regards her position and relations to the Union. Looking to the *possibility* of a dismemberment, I have considered it important that the ties which bind us together should be strengthened, and that, in the event of a rupture, Maryland should hold the key of the Western trade and commerce. We are nearer to a larger portion of the Mississippi Valley than any other seaport that is accessible, and, with proper and prompt

efforts, should have secured the trade of the West upon terms more advantageous to her. Again, in any political division which might be formed after a dismemberment, Maryland would be a frontier state, exposed to all the evils of such a situation; and it is not a consideration devoid of interest to which division she would belong. Her institutions would lead her to a Southern union, while her geographical position and other relations would incline her to the North. I have ever looked to these works of improvement for the richest advantages which were expected to flow from their construction. That part of the state in which I reside requires no canals or rail-roads; we have navigation almost to every man's door. But other considerations besides those of local advantages, or an ephemeral popularity, have prompted me in my course and efforts on the subject of internal improvement. I believe the policy of Maryland to have been correct, notwithstanding the improvident management of the concerns, the wasteful expenditure of her means, and the sacrifice of her bonds; and I look forward to the time when she will reap the full fruits of her noble efforts."

In the fall of 1845 Mr. Chapman was nominated and elected a member of the national House of Representatives, and was re-elected in 1847 without opposition. His votes in that body have been guided by those principles which have marked his political course through life. He has sustained the appropriations demanded for the prosecution of the Mexican war. He has, in an especial manner, directed the attention of Congress to the oppressive restrictions under which a great staple-product of his own state labors by the legislation of European countries, and has in vain endeavored to procure some enactment looking to their mitigation. A speech delivered by him in February, 1847, contains views from which, considering the importance of the subject to the people of Maryland, it seems proper to extract some of the prominent points.

The House being in Committee of the Whole on the State of the Union, and having under consideration the bill to increase the revenue derivable from imports, he offered the following amendments:

"*And be it further enacted*, That from and after the first day of July next, there shall be paid twenty per centum ad valorem, in addition to all other duties, on the following articles,

that is to say: on woolen cloths and cassimeres; on all manufactures of cotton, which are dyed, colored, printed, or stained; on all laces; on bleached and unbleached linen; worsted stuff goods; all manufactures of silk, or of which silk is a component part; on leather; on spirits distilled from grain or other materials; on hemp and cordage; and on all kinds of wines: *Provided*, That whenever it shall be made to appear to the satisfaction of the President of the United States that the tobacco, the produce of the United States, is admitted into the several ports belonging to any foreign state, kingdom, or government producing or manufacturing any of the said enumerated articles, at a duty not exceeding the maximum or highest rate of duty chargeable on any of them, and that any American citizen may export the tobacco of the United States directly therefrom to any port or place of any such foreign state, kingdom, or government, and there dispose of the same upon as good terms as any citizen or subject of said state, kingdom, or government, so far as any regulation of government may affect the same, then the said additional duty of twenty per centum shall be remitted, so far as regards such of the said articles as are of the produce or manufacture of such state, kingdom, or government as shall admit the tobacco as aforesaid: *And provided further*, That according as any foreign state, kingdom, or government shall hereafter, from time to time, reduce the rate of duty imposed upon the tobacco, the produce of the United States, below the maximum or highest rate of duty imposed by this act upon the foregoing enumerated articles, and whenever the said reduction shall be made to appear to the satisfaction of the President of the United States, then shall said duties imposed upon said articles, to wit, on woolen cloths and cassimeres; on all manufactures of cotton, which are dyed, colored, printed, or stained; on laces; on bleached and unbleached linen; on worsted stuff goods; on all manufactures of silk, or of which silk is a component part; on leather; on spirits distilled from grain or other materials; on hemp and cordage; and on all kinds of wines, be reduced upon a like scale or corresponding reciprocal ratio, so far as regards such of the said articles as are of the produce or manufacture of such state, kingdom, or government as shall admit the tobacco as aforesaid.

"*And be it further enacted*, That from and after the first

day of July next, there shall be levied, collected, and paid, on the importation of the articles hereinafter mentioned, the following duties, in addition to those now levied under the act approved the thirtieth day of July, 1846, entitled 'An Act reducing the Duties on Imports, and for other Purposes;' that is to say, on iron in bars, not manufactured in whole or in part by rolling, fifteen dollars per ton; on bolt or bar iron, made wholly or in part by rolling, twenty dollars per ton; on all manufactures of iron, twenty per centum ad valorem, in addition to the present duties now levied; on coal, two dollars per ton; on all vessels or wares, articles and manufactures of cut glass; on plain, molded, or pressed glass, and on all other glass-ware; on china-ware, porcelain-ware, earthen-ware, stone-ware, and all other ware composed of earth or mineral substance, an additional duty of twenty per centum: *Provided*, That whenever it shall be made to appear to the satisfaction of the President of the United States that the tobacco, the produce of the United States, is admitted into the several ports belonging to any foreign state, kingdom, or government producing or manufacturing any of the said articles herein enumerated, upon a duty not exceeding the maximum or highest rate of duty chargeable on any of them, and that any citizen of the United States may export the tobacco of the United States directly therefrom to any port or place of any such foreign state, kingdom, or government, and there dispose of the same, upon as good terms as any citizen or subject of said state, kingdom, or government, as far as any regulation of government may affect the same, then the said additional duty upon iron, not manufactured by rolling; on bolt or bar iron, made by rolling in whole or in part; on all manufactures of iron; on coal; on all vessels or wares, articles and manufactures of cut glass; on plain, molded, and pressed glass, and on other glass-ware; on china-ware, porcelain-ware, earthen-ware, stone-ware, and all other ware composed of earth or mineral substance, shall be remitted, so far as regards such of the articles above recited as are of the produce or manufacture of such state, kingdom, or government as shall admit the tobacco, the growth of the United States, as aforesaid: *And provided further*, That according as any state, kingdom, or government shall hereafter, from time to time, reduce the rate of duty imposed upon tobacco, the produce of the United States,

below the maximum or highest rate of duty imposed by this act upon the foregoing last enumerated articles, and whenever the said reduction shall be made to appear to the satisfaction of the President of the United States, then shall the duties upon the said articles last enumerated be reduced upon a like scale or corresponding reciprocal ratio, so far as regards such of the said articles as are of the produce or manufacture of such state, kingdom, or government as shall admit the tobacco as aforesaid."

Having shown the culture of tobacco, and the commerce which arises from it, to be among the most important interests of the country; that this interest has never received any aid or protection from the government; and that, as an important article of commerce between the United States and the different countries of Europe, it is subjected to inordinate and excessive duties, such as have never been imposed upon any other article of commerce, Mr. Chapman remarks:

"And now, sir, what has been done to remedy the evils under which this interest has been permitted to labor from the commencement of the government to the present time? Much has been attempted, but little accomplished. As early as 1785, Mr. Jefferson, then representing this government at the court of France, called the attention of that government to their restrictions on this article of our commerce, and remonstrated against the monopoly of the trade by the government. He succeeded in obtaining a relaxation of the restrictions, and for the next year the importation into France amounted to 35,000 hogsheads. The restrictions were again increased, and the amount of tobacco imported was reduced, and does not exceed 8000 to 10,000 hogsheads.

"It would be needless to travel over the whole history of the negotiations upon this subject. It would occupy more of the time of the House than I would have a right to consume. It is known to the country that this subject was one of deep and absorbing interest for many years. During the administrations of General Jackson, Mr. Van Buren, and Mr. Tyler, several agents were sent to Europe to treat upon this branch of commerce, and our ministers to France, England, Prussia, and Belgium have been instructed to bring this subject to the attention of the different governments to which they were accredited, and to urge upon them a repeal or modification of their heavy restrictions and monopolies. A gentleman of my own state, who had given great attention to this subject, was also sent as a minister to Austria, and charged particularly with this branch of commerce. His inquiries, as well as those of our agents, were minute and particular; their efforts constant and unremitted. The impolicy, the inequality, and injustice of those duties have been properly represented to the several governments of Europe, yet no change has been made except in Holland and Belgium. In those countries the duty is not so high as to be cause of complaint.

"It will be recollected that a convention of tobacco-planters met in this city in 1838, and another in 1840, to consider what measures could be adopted to benefit this staple. They memorialized Congress, and asked that suitable action should be taken to induce foreign governments to lessen their duties upon, and

repeal their monopolies of tobacco. Agents and ministers were sent, as I have stated, to negotiate upon the subject, and yet no benefit has resulted from it, except that in Belgium the duty on all American tobacco is now the same, and the transit duty on that which is intended for the German market has been reduced.

"I think, sir, I am sustained fully by facts and experience when I say that this interest has been more neglected than any other of the great interests of the country. Every other interest of the country has met with some favor or protection from the government. Cotton was protected, as long as necessary, by a duty which was prohibitory. Grain has also been protected by adequate duties. Iron, hemp, manufactures of different kinds, have each been properly cared for. Salutary laws have been passed to foster and protect your commercial marine. Your fisheries have received encouragement and aid, and bounties and drawbacks have been extended to them. But nothing has been done to ensure an increased demand for tobacco, or to lessen the restrictions imposed by foreign governments upon its admission in their ports, by which the producer would receive an increased price. I should do injustice to distinguished gentlemen who have represented the district which I now have the honor to represent, as also to those who have represented other portions of the country interested in the growth of this staple, if I did not say that efforts had been made from time to time to direct the attention of the government to the subject, and to obtain favorable action to this interest. But, sir, all those efforts have been fruitless and unavailing; and it becomes us to inquire if there is not some mode by which the government can aid and encourage this interest, to place it, by its arrangements, upon an equality with the other staple productions of the country. It were needless to inquire whether the efforts and attempted action of the government on this subject heretofore has been wise or not. They have failed. All the efforts made have been fruitless and unavailing. The same restrictions exist; the same enormous duties and exactions are levied by the governments of Europe, and so will continue, until our own government shall speak upon the subject in a language not to be misunderstood or unheeded. I am aware, sir, of the difficulties attending all efforts to draw the attention of the government to this subject, from the fact that the tobacco interest has but few representatives on this floor. But, sir, although a few, we know our rights as citizens of this government, and we ask no more than has been done for other interests, and we ask it in the confiding faith that justice will be done to us.

"We have seen, Mr. Chairman, that it is second to no other interest of the country except cotton; that it contributes more to the commerce of the country, and affords more of the exchanges for foreign productions; and that it is burdened and oppressed by such duties and restrictions as are not permitted to be imposed upon any of the other productions of the country. Sir, this staple engages in its cultivation and manufacture more than a million and a half of the population of the United States, and a large portion of our shipping.

"And now, let me ask, is there any remedy for the grievances under which we labor? Negotiation in the most amicable spirit has been tried; for fifteen years has this government had her agents abroad on this subject. Some of the ablest and most experienced men, learned civilians, accomplished diplomatists, and sagacious commercial men, have been deputed to treat upon this subject. It has been brought to the attention of the governments of Europe in the most imposing form. All that could be done by negotiation has been done. The governments of Europe are asked to place this article of commerce upon an equal footing with other articles; to admit this production in their ports upon terms approaching to reciprocity; but we have asked in vain. They talk of free trade and amicable arrangements in reply, but their duties are not diminished, their restrictions are not

removed, their regies are not repealed, nor their monopolies discharged. The same evil exists, and is like to continue as long as this government will permit it.

"Let us look at some of the treaty-stipulations which have been offered to us upon this subject. The Zoll Verein treaty was one of the efforts made to benefit this trade. It was not acceptable to the country. The concessions which it required of other interests for the small diminution of duties on tobacco were believed to be too great, and it contained principles which could not be admitted without yielding to the executive powers which are believed to reside in the legislative branch of the government. I mean not to discuss the propriety of the action of the Senate in laying that treaty on the table. But it is known to the country that its ratification would by implication have conferred the power of legislation upon the President and Senate, without the action of the House of Representatives, and thus have put the whole tariff policy of the country, its industry, and its revenues, under executive restraints and control. I mean not to speak of the reasons which influenced senators in their action on that treaty. The action of the Senate, and the fate of that treaty, are matters of history, and we may reasonably infer some of the considerations which led to its defeat, and we may conjecture the consequences which would have flowed from its ratification as a precedent of executive encroachment upon the legislative functions of the government.

"There is another treaty, sir, now pending, which, if rumor be true, is liable to similar objections. The particulars of that treaty have not been published, and I know nothing of it. But rumor will not be dumb, and it is said that its ratification has been opposed because of the unequal concessions made for small and unimportant advantages to the tobacco trade. I speak of the treaty with the King of Hanover.

"Such, doubtless, would be the terms and character of any treaty which could be negotiated. The governments of Europe will part unwillingly with any portion of their taxes upon tobacco, and then upon terms so far removed from reciprocal advantage that this government will not acquiesce in the stipulated concessions.

"Mr. Wheaton, in his dispatch No. 202, dated at Stuttgard, July 22, 1842, says,

"'That the associated states are not at present willing to make any reduction on our leaf tobaccoes, unless they can be assured that it will be followed by a corresponding reduction on their productions and fabrics imported into the United States.'

"Such is the disposition of all the governments of Europe which levy heavy duties and exactions upon our tobacco, the second staple of our country. They are willing to abate those duties, which now range from one hundred to two thousand per cent., if such an expression is correct in mercantile language, provided this government will diminish the duties which are levied in our ports upon their fabrics and productions, averaging about twenty per cent. Where is the reciprocity? That principle was well sustained by the associated states in the Zoll Verein treaty, which was not ratified by our government because, as is believed, it contained concessions upon our part more than equivalent for the unimportant reduction which they proposed to make in their duties upon our tobacco. The difficulty of effecting any arrangement with the German Customs Union is increased by the terms and nature of that association, as every alteration in their tariff, entered into by one of the associated states, requires the unanimous consent of the states composing the Customs Union or Zoll Verein. Hence to treat with one of those states is to treat with all; any arrangement entered into with one of them requiring the ratification of all the others; the diversity of interests and contrariety of views inducing different opinions and conclusions, as their various interests may direct them.

"To show the unreasonable demands of the different states composing the Customs Union, I ask the attention of the House to a communication from the minister of Foreign Affairs of the King of Wurtemberg to Mr. Wheaton, the American plenipotentiary, dated September 25, 1842. He says,

"'The conference nevertheless does not, to its great regret, find itself at the present moment in a situation to take any other determination upon the question of the tariff of raw tobaccoes, or to engage in a more direct negotiation upon this subject; among other reasons, because, above all, there does not at present exist any precise proposition as to the advantages which the government of the United States, in case of a reduction of the tobacco duties, would be disposed to accord, reciprocally, to the Customs Union.'

"Now, sir, here is a sentiment which clearly demonstrates that we are to look for no change in the policy of those states. It contains the secret of their negotiation with us. They require further concessions from us; that we shall 'accord other advantages' for a reduction of their duties on tobacco. We have seen that those duties amount to about 100 per cent. upon the value of our production, and that the duties levied by this government upon the imported productions of those states do not exceed thirty per cent.; and yet, forsooth, they ask that other advantages shall be offered to them for a small diminution of their excessive exactions upon the only article which they import from this country, which can in any manner compete with their productions. This is the 'reciprocity which is accorded' to us, and we have borne it, and negotiated, or attempted to negotiate, with the hope of effecting something like reciprocity, but in vain. They would expect us to reduce our import duties, which, in comparison to theirs, are but nominal on these productions, before they would reduce theirs in any way upon the tobacco imported from this country. This is the free-trade system which Europe offers for our adoption.

"Thus may we judge of the course of policy which is likely to be continued toward us; and the governments of Europe will not part with this fruitful source of revenue as long as they are permitted to retain it, and it becomes a question of grave import by what means they can be brought to change that policy, and to remove the restrictions which bear so heavily upon one of the principal productions of the country. The time may have passed when it was most probable that our demands would have been listened to, and this production placed upon the basis of reciprocal exchange. But it is never too late to seek what is right, and to act in a spirit of candor with that becoming firmness which the justice of the demand will sanction, that the principle of reciprocity should be extended to this article of commerce.

"Now, sir, there are two modes of commercial arrangement; the one by negotiation, the other a resort to discriminating or countervailing duties. The first has been tried, and has proved unavailing. The only remedy is a resort to such countervailing duties upon the productions of those countries, where our tobacco is burdened with onerous duties and restrictions, as will induce those governments to open their ports upon more favorable terms, or to treat with us so as to produce a system of exchange of productions upon terms more nearly approaching to reciprocity. It is not without precedent in this government, and we can not now expect to break down the tobacco monopolies, or to procure any diminution of the duties and restrictions of those governments by negotiation alone."

And he thus concludes:

"Now, sir, the interest and the honor of our country demand that it should resort to some other measure than that which has failed since the adoption of the Constitution. Would the states bear this oppression, and submit to those exac-

tions, if they had not surrendered to the Federal government all power over duties and imposts? No. The tobacco-growing states would unite and make common cause, and teach those governments that such injustice would not be borne. Let the representatives from the tobacco-growing states unite, and insist upon a fair protection to this staple by the only means in the power of this government to afford it, and our grievances will be redressed.

The tobacco exported during the year 1845 I have heretofore shown to be 147,168 hogsheads, valued at	$7,469,819
It is taxed, according to the rate imposed upon the exports of 1838, at	59,857,984
And must sell in Europe, exclusive of freights, commissions, insurance, &c., for	$67,327,803

So that the planter receives for making the article about one tenth, and the governments of Europe about nine tenths, of its value. This system has been too long submitted to, and I can never give my assent to any system affording protection to any other interest, or to any diminished rate of duties from the highest standard that can be obtained, unless this production is also to be benefited by the change. I would make our duties countervailing and discriminating, and dependent upon the continuance of their duties upon this American staple. The exchange of productions should be upon the basis of reciprocity.

"Sir, no benefit may result to this great interest of the country at this time from the action which I seek to have instituted upon this subject. For fifteen years has the subject of benefiting the tobacco interest been before the government. It has enlisted commanding talents and faithful service. Negotiation has been employed between this government and the different governments of Europe upon the subject. Chargés, ministers resident and plenipotentiary, and special agents, have been employed and accredited to all the governments with whom we desired to treat on this subject. Yet nothing has been accomplished. The restrictions, regies, and monopolies remain unrepealed, unmodified, still in force; and the staple, heretofore so important in the foreign exchanges of the country, and making up so large an item in its commerce, has been reduced lower and lower in price, until the planter, in despair, must abandon its culture, and live upon the recollection of that independence which a fair price for its production afforded him. Nothing, we have seen, has been accomplished by negotiation, and nothing I fear will be; and we need no longer suffer ourselves to be flattered by delusive hope, or indulge expectations which are never to be realized. But, sir, we will not lose sight of our rights; we will not forget that this interest is as much entitled to the protection of the government as any other; and, as long as I have the honor of representing that interest on this floor, I shall, on all proper occasions, press the subject on the attention of the government, and claim the protection to this interest which has been extended to others.

"The day is not distant, sir, when the whole tariff and commercial policy of the world will undergo a change. A revolution in the international commercial regulations of the world must and will take place before many years shall have elapsed, and then will be the time for this interest, long neglected and oppressed, to be placed in the commercial system, which must be established upon grounds of reciprocal advantage. It will only require concert of action upon the part of those representing the tobacco interest in the different states, and a firmness of purpose to insist upon adequate protection, and we shall obtain it. It is the fault of our government that those enormous exactions and revenues are levied upon the productions of the tobacco-planter; and more than one opportunity has been suffered to pass without resorting to such remedy as would have secured a

due respect to this interest, and placed it upon terms of reciprocity. It might have been done in 1833, when the tariff policy of the government underwent an entire change; and so, likewise, in 1842, when protection was extended to several of the great interests of the country, no one of them equal to this, or so much needing the protection of the government. But, sir, as I have before remarked, another occasion is likely again to occur. The commercial system of England, and of continental Europe interwoven with it and dependent upon it, must be reconstructed. The march of improvement in this country, the advance of the arts, the perfection in machinery, the labor-saving and bread-producing process which is so rapidly advancing, will force the governments of Europe into a new policy, and then may we demand that they shall support their governments upon other revenues than those which are levied upon the labor of the tobacco-planter."

Among the more local measures introduced by him was a bill to provide a free bridge across the eastern branch of the Potomac, which, however, was defeated.

He is now chairman of the Committee on the District of Columbia, of which committee he was also a member during the last Congress. The people of the district know him as a liberal and enlightened friend to its interests and prosperity.

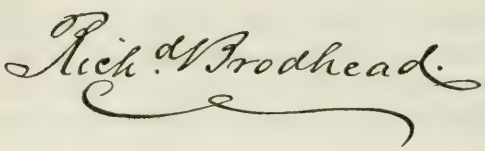
He was married, at an early age, in 1821, to Susan Chapman, daughter of George Chapman, of Fauquier county, Virginia. By this marriage there have been eleven children, of whom six are dead.

Mr. Chapman is in full communion with the Episcopal Church, in which faith he was brought up. In 1824 he was appointed a member of the vestry of his parish, and has continued in that relation to the Church to the present time. He is, however, no sectarian. He is entirely catholic in his opinions. He believes that there is but one Church on earth; that it embraces all true believers of every denomination; and that there is but one Church above, which will embrace all those whose life and conversation shall on earth "adorn the doctrine of God our Savior in all things." In the words of St. Augustine, he believes that the Church is the "people of God throughout the world."

Among his own people, no man has secured to himself more general respect and attachment. "If," says one of them, "there is any man who possesses a higher sense of honor, more of the milk of human kindness, or who is more keenly alive to the misfortunes of his fellow-men, I know him not." Although he has had some agency in almost every important state measure since 1824, and although so long in its government, yet his life has been quiet and unobtrusive, since he has preferred to

do his duty, and make those around him happy, rather than to seek applause or distinction. Not a day passes at home without his being called upon for advice on matters of business by those whose opportunities have been more limited than his own; and, not being now engaged in his profession, many persons seek his advice and professional services from motives of economy. His own tastes have never led him to "money-making," as it is termed; and it is said that, although himself prudent in his habits, he has paid more than fifty thousand dollars as surety for friends who had become embarrassed in their circumstances.

BRODHEAD, RICHARD,



IS the representative of the tenth Congressional District of Pennsylvania, generally known as the "Old Northampton" District. He is a native of Pike county, in that district, and now resides in Easton, the county town of Northampton. His ancestor, Daniel Brodhead, came to this country from England in the year 1664, and held the rank of captain under Colonel Richard Nichols in the expedition against New Amsterdam. After the reduction of that place, he was appointed by Colonel Nichols captain-general of the Esopus, on the Hudson. He settled permanently on that river. In 1735, a grandson of his, also called Daniel, was the pioneer of the body of emigrants who left the Hudson and settled on the head waters of the River Delaware. Daniel, however, with one or two others, voyaged down the river to the creek now called Brodhead's Creek, near the spot on which Stroudsburg stands, and settled there.

From that time the name of Brodhead has been a prominent one in the state. Richard Brodhead, a grandson of the Daniel Brodhead named above, and father of the present member, held many public stations, both by appointment and by the suffrages of the people. His son, when quite young, removed to Easton, and read law in the office and under the direction of James M. Porter. He was admitted to the bar in 1833, and very soon acquired a good position and a lucrative practice. In 1838, having been placed in nomination by the Democratic party, he was elected a member of the State Legislature from Northampton county. The session of that Legislature opened with the political turmoil familiarly known as the "Buckshot War," in which he bore a prominent part on the Democratic side.

Mr. Brodhead was twice re-elected to the same place, served on the most important committees, of some of which he was at the head, and took an active and leading part in the business and debates of the House. During his third and last term he was the candidate of the Democratic party for speaker, and received the unanimous vote of the Democratic members. The Harrison campaign, however, had resulted in the return of a majority of Whigs, yet Mr. Brodhead was defeated only by *one* vote. The next step in his public career was his election, without opposition, as a member of the House of Representatives of the twenty-eighth Congress. He has, since then, been regularly re-elected.

Though a firm adherent of the principles and general measures of the Democratic party—in whose behalf no man has struggled with more zeal or consistency—he has opposed the policy of the administration of Mr. Polk so far as it tended to the overthrow of that protective principle with which the interests of his state are so closely interwoven. His defense of that principle, as well on the grounds of constitutional authority as of sound policy, are thus summed up by himself in a speech in the House:

"1. The revenues necessary to an economical and efficient administration of the government, it is constitutional, expedient, and just to provide by impost duties upon foreign imports.

"2. The Constitution, by its terms (before quoted), the reasons which induced the call of the Convention to adopt it, its cotemporaneous exposition, and the uniform practice of the government under it, admits of the imposition of discriminating duties.

"3. In the adjustment of tariff laws, I would impose such duties upon the importation of luxuries as would produce the most revenue, thereby casting as much of the burden of supporting the government upon the rich as possible.

"4. The prime necessaries of life (which we do not produce in this country, such as tea and coffee) should be admitted free of duty. The free list in this regard should be as large as possible.

"5. Upon foreign products and manufactures, which are rivals of, and come in competition with our own, I would impose such duties as would best protect American labor and products against foreign labor and products.

"6. Upon rival products of our own, which are indispensable in time of war, I would impose a duty with a view to *protection alone*, without regard to revenue.

"7. No tariff law can be effective, either for the purpose of supplying the government with revenue or protecting American industry, with an unsound, inflated paper currency. The history of prices, imports, exports, and banking in 1816, 17, 18, and 1835, 36, 37, clearly proves this position."

During his term of service he has exerted himself strenuously toward the erection of national foundries, and also for a procurement of a diminution of the burden of tonnage duties on canal boats. The bill which he reported for that purpose, with some modifications, became a law. The boating and coal interests of Pennsylvania alone were thus relieved from an onerous tax amounting annually to many thousands of dollars.

He was the introducer, also, of the project, subsequently completed by the War Department, of a compilation of all the pension laws in force; the forms necessary to be adopted in applications for pensions; and the construction placed upon those laws by the department and the attorney general. This is a very valuable document, and, in the present complex state of our pension laws, was greatly needed. As chairman of the Committee on Revolutionary Pensions, he had ample opportunities of observing the necessity and the value of such a compendium.

He has voted in favor of all appropriations for a vigorous prosecution of hostilities against Mexico, on the ground that the war is just and necessary. At a previous period he had voted for every measure directed to the maintenance of our claim to the *whole* of the Oregon Territory; and he acquiesced in its abandonment only when compelled to do so by the treaty-making power, which, he said, "had given up territory enough to make three or four states." "It is said," he added, "that the Oregon Question was settled in an honorable way—that is, by claiming the whole; and, when the roar of the British lion was heard, giving up half."

He separated from the great mass of the Northern democracy on the question of the Wilmot Proviso, for reasons set forth in a speech delivered on the 9th of February, 1847, on the bill commonly called the "Three Million Bill." We shall

present these reasons, as published under his own revision, because we do not feel at liberty, by abridging them, to deprive him of any benefit he may claim from his own vindication of his course.

In the same speech, in a previous part, he took up the question itself (of territorial acquisition), and thus met it:

"What is the object of this war? I understand it to be for the purpose of providing for our future peace and safety by punishing an aggressor, and to compel Mexico to settle questions in dispute in regard to limits. It looks to peace as the result. The President says, in his message, that it is not a war for conquest; but still, sir, I am obliged to admit that the President intimates that indemnity in land ought to be asked. I regret, sir, that the President has thought it his duty to say any thing from which an inference can be drawn that this war will be prosecuted with a view to conquest. For myself, I confess that I never desire to see the functions of any of the departments of this government exerted for the purpose of obtaining land by force. It is contrary to the genius of our institutions and the spirit of our government. I deny that the further extension of our domain at this time is necessary to the happiness of our people, or to our glory as a nation. The distinguished gentleman from Georgia (Mr. Jones) said in his speech on the Oregon Question, delivered in this House on the 15th of January, 1846: 'I hope not to live to see the day when the government of the United States will be extended by conquest.' But where do gentlemen, who contend that we ought to seize and hold permanently the provinces of Mexico, find the power in the Constitution to do it? It is said, in the clause which authorizes Congress to declare war. I admit that under that clause we would have a right to overrun and hold *military possession* of the whole or any portion of Mexico, but that is a very different thing from annexing it to the United States, and incorporating the Mexican people with our own. If we incorporate them, we must either make them slaves or citizens; the former we have not the power to do, and it would be highly inexpedient to do either. This government should never be the instrument of unyoking, or becoming the sanctuary of the refugee provinces of other nations. We can not make citizens by subjugation; and if we could, it would not be right; they would be untrained in the ways of republicanism. We can not say as the French said when they undertook to conquer all Europe: 'Come, be brethren of ours, or we will cut your throats.' Our government is founded on the consent of the governed, and depends for its existence upon the virtue and intelligence of the people. What kind of consent could we obtain from the Mexicans, and what kind of virtue and intelligence would they be able to exercise in discharging the duties which our form of government would devolve upon them. But it is said we will not get Mexican people; but I say we will, to the amount of ten or twenty thousand, at least, if we only take New Mexico and California. It is admitted that there is no express *grant* of power to be found in the Constitution to any department of this government to obtain territory by conquest; and I undertake to say that it can not be properly *inferred* from the war clause, or any other. The Democratic party have ever been opposed to the exercise of constructive powers. Jefferson said, in one of his published letters, '*Our peculiar security is in the possession of a written Constitution. Let us not make it a blank paper by construction.*' Gentlemen who hold offices under the general government often seem to forget that there is such a thing as state sovereignty, and that the states or the people have retained all the power not expressly granted in the Constitution to the Federal government. We have been told by all the best

statesmen in this country, that where a power is doubtful and only implied, we should decline to exercise it, except in cases of the most urgent necessity. I object to these experiments with the powers of our government. It is true, our good ship of state has rode out many storms; but, still, we should remember the fate of other republics.

"'A thousand years scarce serve to form a state:
An hour may lay it in the dust.'

"But it is said, Mr. Chairman, that the expenses of this war should be paid by Mexico, and that, as she can not do it in money, we should take it in land. I admit there is plausibility in the assertion, and that it addresses itself to the pride as well as the cupidity of our people; but I take ground against it upon principle; and besides, if we make this idea of the acquisition of territory so prominent, it will prolong the war for years, which will cost this government more in blood and treasure than the whole of Mexico is worth. We must remember that if this war is prosecuted much longer, we must come to direct taxation, and that will not be very agreeable when we consider the number of tax collectors we have already among the people for state and county purposes. But when did this government assert the doctrine before that the expenses of a war must be paid? Did we assert it when we were at war with Great Britain? The last war cost us one hundred and thirty millions of dollars. Yes, our Capitol itself was burned; and did we refuse to make peace until we were paid in money, or the provinces of Canada ceded to us? No, sir, no! and yet no person will say at this day that we did not gain much by it, and that peace was not properly made. We taught old England, as well as all other nations, that our flag, and the persons and property of our citizens, must be respected, or we would punish the aggressors, cost what it might. Where do we find examples to justify the doctrine that the expenses of a war must be paid by the enemy? The example is to be found in the practice of England whenever she comes to blows with a weak and defenseless nation, and that practice has been nowhere so loudly condemned as in this country. Who does not recollect the feelings of indignation which prevailed in this country when England made the poor Chinese pay the expenses of a war, and tribute beside? It is the doctrine of the strong over the weak."

He then addresses himself to the question of slavery:

"Having said thus much in regard to the Mexican war, and in support of the policy of the administration, I come, Mr. Chairman, to consider the amendment proposed to the bill under consideration by my honorable colleague (Mr. Wilmot). The bill proposes to appropriate $3,000,000, to be placed in the hands of the executive, to be used by him in concluding a treaty of peace with Mexico; and my respected colleague, acting upon the belief that the President would use the money to acquire territory, proposes to amend the same by inserting a clause that the treaty shall contain a provision against slavery in any territory to be acquired thereby. Two questions present themselves at once:

"1. Has Congress the *power* to adopt the amendment in any shape? and,

"2. If it has, is it *expedient* to do it at this time and in connection with this bill?

"If we have not the power, it must be admitted that it will be a nullity if adopted. Every member, when he enters this hall, takes an oath to support the Constitution of the United States. That is the whole of the oath, and it is the one I took. Therefore, when I am called upon to do an act in my *legislative capacity*, I look for the authority to do it in the Constitution, for that great charter of our liberties *enumerates* the powers granted to Congress. Every intelligent person, and especially every Democrat, will agree that we should not undertake to do

any thing for which a warrant can not be found in that sacred instrument; for if we do, there will be an end to state sovereignty and the liberties of the people. Now I want gentlemen who are so vehement in support of this amendment to point to the clause in the Constitution which gives Congress power to legislate in regard to territories not yet *belonging* to the United States, or to *advise* the treaty-making power. They might much rather do that than to declaim in the cant phrases of the Abolitionists about the evils of slavery, which we all admit and deplore. The only clause which I can find in the Constitution which gives power to Congress upon subjects like the one under consideration, is as follows: 'The Congress shall have power to dispose of, and make all needful rules and regulations respecting the territory or other property BELONGING to the United States.' Therefore, until the territory is acquired, the jurisdiction of Congress does not attach. The word 'belonging,' no doubt, was inserted for the purpose of preventing Congress from usurping the power granted to the President and Senate to make treaties. The framers of the Constitution no doubt supposed, when they inserted the word 'belonging,' that there would be members of Congress who would consider it their duty not only to control the President, but the Senate. If we have a right to advise the President and Senate in the manner proposed by the amendment, we would have a right to advise in regard to all treaties. Now suppose we do what I think the people and the Constitution have not authorized, and insert this amendment, and a treaty should be made by the President and ratified by the Senate in disregard of it; would not such treaty be binding? Undoubtedly; and, therefore, it is clearly proved that if we adopt it, it will be a nullity. It is a fundamental principle that the powers of the different departments of the government shall not be blended. It is said, however, that we should adopt it for its *moral effects*, and that all who vote against it will be set down as voting in favor of slavery; that all who vote against it place themselves in a situation where they can be misrepresented. Sir, when I fear to vote right because my vote may seem wrong, and my motives misrepresented, I will quit my seat in this hall, for I would be unworthy of a place in it. The course of true policy is the course of true duty, and therefore I will vote as I think right, and run the risk of being misunderstood. But, to show the absurdity of our adopting measures merely for their moral effect, suppose that my colleague should offer resolutions in favor of the Christian religion and in favor of a republican form of government; would not every member declare them out of time and out of place (as my colleague, Mr. C. J. Ingersoll, declared this slavery amendment), and feel bound to vote against them? And then gentlemen would get up and say, 'Why, you are opposed to the Christian religion and a republican form of government!' Do not these suggestions clearly show the propriety of acting within the prescribed limits of the Constitution? We are here, not in town meeting, but in a grave constitutional assembly, with limited and prescribed powers.

"But there is a want of power in another regard. It undertakes to bind the future action of Congress. It says, 'There shall be no slavery in any territory which shall *hereafter* be acquired by, or annexed to the United States.' Suppose we were to pass a law, and say in it that it should not be repealed; I would like to know whether we would not subject ourselves to the ridicule of the world?

"Now, Mr. Chairman, as to the expediency of this measure. What are the imperative reasons upon the score of expediency which should induce this Congress to exercise doubtful powers, and legislate in regard to territory, the title of which we have not yet got, and can not get except by treaty? There are none which have any foundation in fact, and many against it.

"If we adopt the amendment, we virtually proclaim to the world that this is a war for conquest, and that we are so greedy for territory that we prescribe rules

for its government before we have acquired the title. We subject ourselves to ridicule by counting the spoils before the field is won.

"If territory is acquired by treaty, it will, of course, be free; and, therefore, if slaves are taken into it, they will be entitled to their freedom upon the great principle that free territory makes free men, and free ships free goods.

"Slavery can only exist by positive law; and, therefore, as soon as a slave is taken to reside permanently in a free state or territory, he is a free man. This is one of the great principles of the common law, recognized by the courts of England as well as of the United States. My Whig friend and colleague (Mr. Pollock) admitted the correctness of this doctrine in his speech the other day. He correctly said, 'Congress having no power to establish, and, at the same time, having *exclusive* jurisdiction over the territories, it follows that slavery can have no legal existence in a territory, with or without the action of Congress. *The power, therefore, to prohibit, is nugatory, or, rather, no necessity exists for its exercise.*' This admission, it seems to me, yields the main point in the controversy. If the territory will be free when it is annexed, and Congress has no power to make it slave, where is the necessity for the adoption of the amendment? If it should ever become a state, Congress would have no jurisdiction over it after it should be admitted into the Union. Pennsylvania would have a perfect right to establish slavery to-morrow if she chose to do it. At the close of the last session of Congress, the venerable gentleman from Massachusetts (Mr. Adams) expressed views similar to those I entertain. He said, 'There are no slaves in California; slavery has been abolished there; and if we were to make peace, and in that peace to acquire California, there could be no law of slavery established there, unless it was made an article of the treaty itself.'

"No one has said, and no sensible man supposes, that we will ever get more than New Mexico and California; and most of these provinces are above thirty-six degrees thirty minutes—the line of the Missouri Compromise—above which, it is admitted on all hands, slavery is to be prohibited. All the Southern representatives have offered, this session, to extend that line to the Pacific Ocean; and besides, slave labor could not be profitably employed in either of those places. Neither sugar, rice, cotton, nor tobacco can be profitably cultivated there. The truth is, that climate and soil have more to do with the extension of slavery than any thing else. No person need fear that slaves will be taken from the cotton and rice fields of the Southern States around Cape Horn, or overland to California. That country must be the home of a maritime people, and the course of settlement must be from the seaboard to the interior.

"The amendment is out of *time* and out of *place*—is a *rider*, and has been a firebrand in our midst. When we are engaged in a foreign war, and we should present an undivided front to the enemy, this question of slavery, which has always been an exciting element in our political system, is thrust forward, to excite sectional jealousies, distract our councils, and delay the adoption of the measures recommended by the President for the vigorous prosecution of the war. The Whigs seize hold of it to make political capital. Notwithstanding tens of thousands of our people are suffering all the hardships of a campaign in a foreign land, at an expense, too, of near two millions of dollars a month, here we are, wasting our time in angry debate about negroes whenever a war or peace measure is brought forward. All this sort of uncalled-for debate has been occasioned by my colleague's amendment; and yet he says he asks the 'neutrality of this government upon the subject of slavery.' If that is all he asks, I submit it to the virtuous and intelligent mind of this House, and the country, whether I have not shown that he should not have brought forward the amendment.

"It is a peace-breaker, and has been seized hold of, as the honorable gentleman

from Indiana (Mr. Wick) said the other day, by the Whigs and Abolitionists, to bring the Democratic party into tribulation, and to embarrass the administration in a proper prosecution of this war. It will delay, if not defeat, the passage of this bill in the Senate; and if a treaty should be formed as it directs, it is well known that it can not be ratified, for it takes two thirds of the senators present to do it, and thus the war will be prolonged for years to come. This amendment has produced so much excitement and irritation among members, that they seem to forget that it is our solemn duty to co-operate with the President in bringing this war to a speedy and successful termination at the earliest practicable moment.

"Finally, it is not only an abstraction, which can not possibly affect either the character or the interests of the people of the Northern States, but may do great harm in creating a geographical division of parties. When that kind of division takes place, this Union is gone, and with it the protection to persons and property which it affords. *But what nation was ever asked before to stipulate with a foreign nation as to its internal policy?* The amendment asks that the President should make it an article in a treaty of peace with Mexico, that slavery shall not exist in the territory ceded to us. Now, suppose that provision to be inserted in the treaty; we take possession of the territory, and after a while admit it as a state: would not that state have a right to authorize slavery without the consent of the general government? Every person who knows any thing about our form of government will admit that it would. Hence we may get into war again with Mexico for a violation of a treaty-stipulation.

"Mr. Chairman, my honorable colleague, in his speech yesterday, talked a great deal about *free labor*, and the rights of the free labor of the North. Sir, at the last session I did not think he was such a great advocate for the free labor of the North. He voted with the warmest advocates of free trade in the South upon the tariff question, and was the only representative upon this floor from Pennsylvania who did. Upon that memorable occasion he undertook to give my Democratic colleagues and myself, as well as the Democratic party, some good advice. He said (I quote from the last page of his speech), 'The sooner, in my judgment, the democracy of Pennsylvania severs its alliance with *Eastern Federalism and the Whig party*, and, placing her interests upon high and national grounds, appeals to the democracy of the Union for liberality and support, the better for those interests, and far better for her republican character.' Now, sir, I think, if he would take a little of this advice to himself, it would be serviceable; and, as he is now not only acting upon this question with the Eastern Federalists, but the Abolitionists besides, I hope they will treat him better than the Whigs of Pennsylvania did my Democratic colleagues and myself after voting with them upon the tariff question, in opposition to the wishes of many of our own party.

"I have thus, Mr. Chairman, briefly stated my objections to my friend and colleague's celebrated amendment. I will now make some observations of a general character upon the subject of slavery, in relation to which so much has been said in this debate, in order that my position and views may not be misunderstood. First, however, permit me to premise, that if we had acquired either New Mexico or California, and a bill was before the House providing territorial governments therein, or a bill was before the House providing for the admission of either of those provinces as states (the territory being first acquired by treaty), I would vote for a provision excluding slavery. I favor the principle contained in the amendment of my colleague, and will go for engrafting it upon the legislation of the country, but in the proper *form*, and at the proper *time* and *place*, and when the power to do so can be rightfully exercised.

"The institution of slavery is upon us, and we must make the best of it, and get clear of it as fast as we can. We never can get clear of it by abusing those

in whose midst it exists; for it is a state institution. It presents difficulties of fearful magnitude to the statesman and philanthropist. These difficulties present themselves unquestionably in a formidable shape, even upon the supposition that slavery, receding from the central portions of our republic, is to extend itself southward into new regions. But I am one of those who believe that this great problem presents difficulties not less formidable upon a supposition that a teeming slave population, multiplying in a fearful ratio of rapidity, is to be *coerced and concentrated* by Federal legislation within the limits of the present slave states. *Yet one of these evils must be met.* For myself, I confess some feeling of relief when I see a prospect that slavery may recede from our midst, and extend itself toward the southern portions of our Union, and finally escape from it in a region still further south, where the negro, in a congenial climate, may find himself in contact with a mixed race, accustomed, in some degree, to free institutions, and not dissevered from him by the iron barriers of lineage and of color. In this view I am, perhaps, more willing than I might otherwise be to invoke the entire, real, and sincere 'neutrality' of the Federal government upon the subject.

"After our patriotic ancestors had achieved our independence, and had assembled in Convention, fresh from the battle-fields of the Revolution, for the purpose of forming our present Constitution, negro slavery was the apple of discord, and came near causing that august and patriotic convention to separate without forming our present Union. It was upon that memorable occasion that the great and good Franklin recommended prayers that wisdom might be given to them from on high. The consequence was, that moderate and pacific councils prevailed, a compromise took place, and the present Union was the result. To preserve that Union, the same spirit must guide the deliberations of Congress upon the subject. At the time of the formation of our Constitution, slavery was authorized by law in all the states. All had been engaged in importing slaves into the country: the South got far the most, because the soil and climate of that region were best suited for slave labor. Northern people engaged in taking them there, for it was a profitable business. All, therefore, are involved in the guilt, if guilt it be. We now have near 3,000,000 of slave population, and the increase is very great, for it is a law of human population that the oppressed always increase faster than their oppressors. We have the difficult problem of two races coexisting under the same Constitution and inhabiting the same country. Mr. Jefferson, in 1820, when speaking of the embarrassing question, said, '*We have got the wolf by the ears, and can neither hold nor let him go with safety.*' To free the negroes of the Southern States at once would be the greatest calamity which could happen to the whites, as well as the blacks. Thousands and tens of thousands of them would go to the free states, particularly to Pennsylvania. Our jails and almshouses would not hold the poor and vicious, and the poor laboring freemen and women would be without employment, for the blacks would work cheaper and live on less. Besides, it would be degrading for our free people to labor with them. And if they did get into the free states, how much better off would be their condition? We can not permit them to vote and sit in the jury-box; we can not admit them to terms of political and social equality: and what is freedom worth without those privileges? The truth is, they are a nuisance, whether slave or free; and yet they are a part of the human family—have the human form, the human voice, and souls to save. There is a great deal too much fanaticism, as well in the North as the South, upon the subject of these negroes. Old Pennsylvania (God bless her! for it was there where my cradle was rocked, and where my coffin shall be buried), occupying an important position between the dividing interests of the North and the South, always moderate in pretense and in council, but greatly in demand when power, either in intellect or in arms, is required,

must, with honest steadiness of purpose, restrain the fanaticism of both, and thus prevent the North and the South from coming to blows, and thereby causing a dismemberment of this now happy Union. This Union I hold to be of more value than the freedom of all the negroes that ever lived in it. And yet we hear gentlemen, whenever this slavery question is brought forward, calculating the Union's value and the Constitution's obligation. They ought to remember that they

"'but teach bloody instructions,
Which may return to plague the inventors.'

"This constant talk about the dissolution of the Union has a tendency to familiarize the public mind with the idea, and lead people to believe that such an event is possible. Sir, this Union should be broken only with the last pulsation of a nation's heart."

Mr. Brodhead is now about thirty-four years of age, tall and athletic—complexion dark—hair black. He is represented as enjoying the confidence of his constituents, secured to him by watchful attention to their rights and interests during a public service of many years' duration.

HUDSON, CHARLES,



IS the only son of a soldier of the Revolution, and was born in the town of Marlborough, Massachusetts, November 14th, 1795. His father having himself enjoyed little or no opportunity for education, neglected in early years that of his son, who, at the age of twelve, went to live with a respectable farmer in his native town, where he worked on a farm till he was twenty-one years old. During this period his only means of education was that afforded by the common district school, which he attended from two to three months in the winter. He was, however, fond of books, and, after the labors of the day were over, would give his time to reading. By these means, and a single quarter at a neighboring academy, he qualified himself for school-teaching, which occupation he followed in the winter season with good success. After he arrived at the age of twenty-one, he hired out as a laborer on a farm for two seasons, teaching in the winter. He had for some time turned his attention to religious subjects; and having, in 1818, resolved upon entering the ministry, he commenced the study of theology. Near the close of 1819 he was licensed as an evangelist by the New England Convention of Universalists. After itinerating for several years, he took, in 1824, the pastoral charge of a small parish in Westminster, to which place he removed. He remained connected with this religious denomination until elected to Congress in 1841. He has been twice married.

About the time he entered the ministry, the Reverend Hosea Ballou, of Boston, one of the ablest and most prominent members of the Convention, came out with a denial of the doctrine of retribution beyond death, which doctrine had always, up to

that time, been held by the Universalists. With this new doctrine Mr. Hudson had no fellowship. After full examination, he wrote several articles, which appeared in the periodicals of the day; and in 1827 he published "a series of letters, addressed to the Reverend Hosea Ballou, being a vindication of the doctrine of future retribution against the principal arguments used by him, Mr. Balfour, and others." This work produced much sensation in the denomination, and, in the year following, drew forth an answer from Mr. Balfour, of Charlestown, Massachusetts, a Scotch clergyman, who had, about that time, become a convert to the doctrine of no future punishment, which he defended on the ground of the *materiality* of the soul. To this Mr. Hudson replied. The controversy contributed in no small degree to a separation of the Universalists, and the formation of a new religious denomination, called the "Restorationists," which was founded in 1831 by himself and eight or ten other clergymen.

He has always taken a deep interest in Sabbath-school instruction, and has published a series of text-books for those schools. He also commenced a series of sacred memoirs, being a history of the Scripture characters. His first volume covered the period from Adam to Joseph inclusive, and the second was confined to a history of Moses and the Jewish nation during that period. These works were favorably noticed by the periodicals of the time. In 1828 he was elected from the town of Westminster to the Lower House of the Massachusetts Legislature, where he remained four years, when he was chosen to the Senate from the county of Worcester. To this office he was returned for six years in succession. He was placed at the head of the Committee on Internal Improvements; that place he held during the whole period of six years, within which was established the system of internal improvements for which Massachusetts is now so distinguished. He also made, in the course of this period, several reports on important subjects; one, in 1837, on capital punishment; one, in 1838, on the incompetency of witnesses on account of religious belief; and another on the northeastern boundary, which received some share of public attention.

In 1837 he was appointed one of the Board of Education for his state, which office he retained for eight years; and he was

for two years chosen a state director of the Western Rail-road (from Boston to Albany). In 1839, 40, and 41, he was chosen by the Legislature as a member of the Executive Council of Massachusetts, where he remained until shortly before the extra session of 1841, when he was elected to Congress from the fifth district, to fill the vacancy created by the resignation of Governor Lincoln. Since then he has continued to hold his seat. In the twenty-seventh Congress he made two or three reports from the Committee on Public Expenditures, and in the twenty-eighth Congress one from the Committee on Manufactures, against any alteration of the tariff of 1842.

He is a man of large and powerful frame, and of dark complexion; has short black hair, slightly sprinkled with gray, and looks as if he might have been cast in a mold of iron. In debate he is calm and unruffled—always parliamentary—and in his manner exhibits something of that peculiar style of elocution indicative of his original ecclesiastical calling. The House never refuses to give him its attentive ear.

He holds a prominent place in the Whig ranks, and is zealous in support of Whig doctrines. He has rendered himself conspicuous by his ardent advocacy of the doctrine of protection to American manufactures; for many years past it has boasted no abler champion in the popular body. His speech upon the British Corn Laws, and their effect upon the commerce of our own country, is regarded as among the most powerful arguments on his side of the question.

As an advocate of the right of petition he has scarcely been less prominent. Asserting the constitutional power of Congress to abolish slavery in the District of Columbia, and believing, also, in the expediency of its exercise, he has at all times maintained and defended the unrestricted right of petition in relation to abolition petitions; a right which, he contends, existed previous to the Constitution; which is incident to all free governments and to all free institutions; which was not created or granted by the Constitution, but is recognized in that instrument as a right which the people already possessed, and which, it was expressly provided, should never be infringed.

He opposed from the outset the annexation of Texas, as the basis of a scheme to extend and strengthen the system of slavery; as a violation of our national faith pledged to Mexico; as

tending to involve the nation in a war with that sister republic; as a gross violation of treaty-stipulations; as calculated to burden us with an enormous debt; as violating the Constitution of the United States, and as tending to sow the seeds of discontent and alienation among us, and thus to do more than all other causes put together to jeopard the peace and endanger the perpetuity of the Union. By no member of either house were the results which have followed that act more strongly foreshadowed. "This power of acquiring territory," says he, as early as January, 1845, "is exceedingly dangerous. If we are to construe the Constitution so as to give us unlimited power of acquisition, where is this spirit of aggrandizement to stop? *If we acquire Texas, we may acquire Mexico.* If this spirit is tolerated, it will prove in our case, as it has in all others, the bane of empire."

He voted against the Mexican War Bill, and has voted against all appropriations, as such, from that day to this. While he has not justified the course of Mexico, nor believed it free from cause of reproach or censure subsequent to the treaty of 1843, yet he believes that the war was commenced by the President without just cause, and in direct violation of the fundamental principles of the Constitution, and that we were the aggressors. He believes the preamble of the bill [see title, ROBERT C. WINTHROP] to be false as a whole, and false in each of its recitals. Speaking of the war toward the close of the last session, he says:

"I fear that thirst for dominion will overcome our love of justice; that a false sense of honor will lead us on in the work of human butchery, and that our young men, by tens of thousands, are yet to perish in 'the high places of the field,' to gratify the mad ambition of a weak and wicked administration. For one, I will wash my hands of 'blood unprofitably shed,' and do all in my power to avert the awful calamity which the prosecution of an unrighteous war may bring upon the nation. If Jefferson in his day was compelled to say, in view of the existence of slavery, 'I tremble for my country when I reflect that God is just,' what must be the apprehension of the Christian statesman when he contemplates this great republic, boasting of its freedom, exerting its powers to dismember a free republic in order to extend slavery over a territory now free—a territory as large as the old thirteen states?"

And, speaking of the Wilmot Proviso, he says:

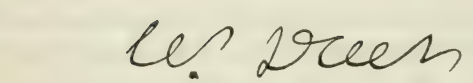
"We see in the case before us a fruitful source of discord. The war was commenced for the conquest of territory to convert into slave states. The most that the administration desire, in the first instance, is to acquire the territory. The South declare upon this floor, that if territory is acquired, it must be slave territory; that they will not submit to be surrounded by a cordon of free states. On the other hand, the North have resolved, and firmly resolved, that not another

foot of slave territory shall be added to the Union. Here, then, an issue is directly made, and I have no doubt but that the North will be found true to her principles when the day of trial comes. You may flatter yourselves with the prospect of buying up Northern votes; you may find men here who will betray their friends and attempt to commit their constituents; but when they return to their homes and submit their claims to their constituents, they will find an indignant and betrayed people ready to give them the traitor's due. I should like to know whether the honest yeomanry of Pennsylvania will allow their representatives on this floor to disregard their feelings with impunity, and trample the resolves of their Legislature in the dust?

"I tell you, Mr. Chairman, that the North will stand firm. You can not judge of the present by the past. Within two years there has been a radical change in public sentiment in the free states. The Texas outrage, followed by this iniquitous war, both for the extension of slavery, has brought the people to their senses. From the State of Maine, from the granite hills of New Hampshire, from united New England, the word has gone forth, and the glorious response from New York, from Pennsylvania, from Ohio, leaves no doubt on the subject of public feeling. The sentiment is deep-rooted; it is a strong religious conviction that slavery is a curse, and is at war with the best interests of our country and of humanity. A great moral revolution has commenced, and such revolutions can never go backward. They have seen this administration breaking through the barriers of the Constitution to sustain and extend slavery, and the people in the free states have resolved that the evil shall extend no further. I say to the South, in all frankness, you will find Northern sentiment immovable on this subject—'as firm as Nature, and as fixed as Fate;' and I will say to those Democrats of the North who are fawning around this weak administration, and betraying Northern interests, that they may pick the crumbs which fall from the executive table, 'You are treasuring up for yourselves wrath against the day of wrath.' You may league all your forces with those of the President; you may give him all the aid in your power in the prosecution of this war of conquest, that the free territory of Mexico may be brought into this Union to increase the slave power; but your labor will be fruitless. You may at this time meet with partial success; you may vote down the anti-slavery proviso, but it will rise again, and haunt you like the ghost of Banquo. Another Congress will be here before this subject can be finally disposed of, and, being more fresh from the people than yourselves, they will speak a different language. You may attempt another compromise with slavery, but the people will discard it. You may make a covenant with that institution, and bind yourselves to its support; but I tell you, in the strong language of the Hebrew prophet, 'Your covenant with Death shall be disannulled; your agreement with Hell shall not stand: when the overflowing scourge shall pass through, then ye shall be trodden down by it.'"

Mr. Hudson claims for himself, with great justice, the virtue of industry in every station he has filled in life. He has always labored more or less on a farm, and now, in the vacation, devotes his time to agricultural pursuits.

DUER, WILLIAM,



IS a new member. He was born in the city of New York on the 25th of May, 1805. He is the son of John Duer, of that city, and Anne Duer, whose maiden name was Bunner, and who was the sister of the late Rudolph Bunner, of Oswego. John Duer, known as one of the ablest lawyers of the State of New York, is the son of William Duer, an Englishman by birth, who emigrated to this country, and married Catharine, the daughter of General William Alexander, commonly called Lord Sterling. William Duer, the grandfather of the member, was a colonel in the American army in the Revolutionary War. He was for some time chairman of the Committee of Safety in this state, a body which at that period exercised all the powers of government. He also represented this state in several Congresses. He is said to have been a man of brilliant talents and great eloquence. At the time when a certain intrigue was on foot to supersede Washington in the command of the army, this gentleman, being sick in bed, caused himself to be carried to the House, that he might vote against the proposition for that purpose.

William Duer, the present member, graduated at Columbia College in August, 1824. He delivered the valedictory oration at this Commencement.

He then studied law, and in 1828, immediately after his admission to the bar, removed from the city of New York to Oswego. After residing there six or seven months, he returned to the city of New York. In 1830 he published, in conjunction with Elijah Paine, of the city of New York, a work, in octavo volumes, on the Practice of the Courts of Common Law in the State of New York.

In 1832 he was a candidate for the State Assembly, in the city of New York, on the Adams, or National Republican ticket, and was defeated, with the rest of the ticket, by a large majority. In January, 1833, he removed from the city of New York to New Orleans. In the spring of that year he was admitted to the bar there, and commenced the practice of the law. In 1835 he was married to Lucy, daughter of Beverley Chew, of New Orleans, one of the oldest residents of that city, for many years Collector of the Port, and afterward President of the Canal Bank. He has three sons and four daughters living. His wife is his first cousin, her mother (now dead) having been the sister of John Duer.

Shortly after his marriage, William Duer again removed from New Orleans to Oswego, in the State of New York, where he has since resided and practiced his profession. In November, 1839, he was elected, on the Whig ticket, by a majority of twenty-two, from Oswego, to the House of Assembly in the State Legislature, which commenced its session on the 1st of January, 1840. Some months previous to the session of this Legislature, it is known that serious difficulties had arisen between the landlord and tenants of that part of the manor of Rensselaerwick situated in the county of Albany. The execution of the process of the law was forcibly resisted; the tenants collected together in large numbers, and matters assumed an aspect so threatening that the governor was compelled to call out a military force. The disturbances were then quieted without bloodshed.

The governor, in his message, after giving a brief history of the disturbances, took occasion to speak of the tenures existing in the manor of Rensselaerwick, which he strongly condemned, and recommended the adoption of some measure which should "assimilate the tenures in question to those which experience had proved to be more accordant with the principles of republican government."

This portion of the governor's message, together with numerous petitions from the tenants, was referred to a select committee, of which Mr. Duer was chairman. This committee, on the 23d of March, 1840, made a report at length, through their chairman, its author. The specific relief sought by the tenants consisted in the abolition of certain remedies for the collection

of rent, not generally, but where tenures of the description referred to existed, while it was not proposed to substitute any other remedies in place of those abolished. Against this proposition the committee reported as contrary to the Constitution of the United States, and as unjust, inasmuch as its effect would be greatly to impair the value of the landlord's property, without making him any compensation. They took the ground that no change should be made in the tenures, unless upon adequate compensation by the tenants to the landlord. But they expressed the opinion that if it were made to appear that the public good clearly required such change, the Legislature was not destitute of power to make it upon just compensation being allowed to the landlord. They did not, however, recommend any such action on the ground that the exercise of such power, if the Legislature possessed it, was "a matter of great delicacy, and not to be resorted to unless in a case of necessity." They recommended the appointment of commissioners to inquire into and report a state of facts to the next Legislature, and also to endeavor to effect a compromise between the landlord and tenants. A bill for this purpose was passed by the Legislature. The report will be found in the sixth volume of Assembly Documents for 1840, No. 271. The subject afterward acquired additional interest in consequence of the extension of these difficulties to other counties.

We have entered with some minuteness into these facts, because the report to which we have referred was subsequently made the subject of criticisms believed by its author to be unjust and unfair, it having been represented that the committee had recommended that the state should lease and sell the domain of the landlords, and thus raise a fund to be devoted to internal improvement, or other purposes. A statement to this effect, made by Colonel Young in the Senate, drew forth a reply from Mr. Duer, which was published in the Albany Evening Journal somewhere in January, 1846.

In 1840 Mr. Duer was again elected to the Legislature. In the ensuing session he was appointed chairman of the Committee on Literature. As a member of that committee, he exerted himself, among other things, in favor of the passage of a resolution for the printing of the Journals of the New York Provincial Legislature, and Convention, and Committee of Safety, from

1775 to 1777. This work has since been published. He also reported bills, which were passed, making liberal provision for the asylums for the deaf and dumb, and for the blind, in the city of New York. He also reported a long and important bill, making extensive changes in the laws respecting common schools. This bill, as originally reported, was almost exclusively the work of John C. Spencer, then Secretary of State and Superintendent of Common Schools, and the labors of Mr. Duer were mainly confined to explaining and defending it on the floor of the House.

At the same session, an application was made by the North River Bank for a renewal of its charter. This Mr. Duer opposed, as leading to a renewal of the system of chartered banking under the safety-fund institution, which he believed injurious in its effects not only on the currency, but on the character of the Legislature. He had confidence, however, in the free banking system under the law of 1838. The application of the bank failed by a few votes. The bank, being a sound one, has since organized under the general banking law, and is, we have reason to believe, well satisfied with the change.

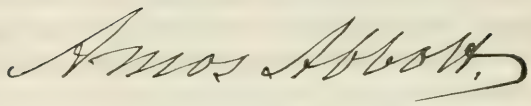
The case of *Alexander M'Leod*, charged with the murder of an American citizen at Schlosser, excited great interest at this time. Mr. Hoffman moved that the Committee on the Judiciary be instructed to report a bill providing that a *nolle prosequi* be entered, M'Leod being then under indictment and in prison. This brought up the interesting and important question, which has since been so ably discussed, whether or not the burning of the Caroline was an act of war, and the parties concerned in it were consequently to be treated as soldiers, their government only being responsible. Mr. Duer took the ground that this was a question which ought to be judicially determined; and that the dignity of the state, as well as considerations connected with the peace of the frontier, required that it should not be thus summarily disposed of. It is well known that M'Leod was tried and acquitted.

Mr. Duer also brought forward a proposition, making the ability to read the English language the sole qualification of an elector, with the exception of age and residence. He was prevented by severe illness, at the latter part of the session, from urging this measure as he had desired and intended.

In 1842 he was the Whig candidate for Congress in the district of Oswego and Madison, but was defeated. In 1844 he was a delegate to the National Convention that nominated Henry Clay and Theodore Frelinghuysen for President and Vice-President. In the spring of 1846 he was a candidate for the Convention to amend the State Constitution, and was defeated by about ninety votes. For several years he held the office of district attorney for Oswego county, and in the fall of 1846 was nominated and elected, on the Whig ticket, to represent in Congress the twenty-third Congressional District of New York.

In person Mr. Duer is about five feet ten and a half inches high, of a strong mold, with dark hair, and of dark complexion.

ABBOTT, AMOS,



WAS born at Andover, Massachusetts, where he now resides, on the 10th of September, 1786. He is a direct lineal descendant of the family of George Abbott, one of the first settlers of that ancient town, who emigrated from Hampshire, England, about the year 1640. He was educated at the district school while living at home on his father's farm. A severe sickness in early life impaired his constitution so materially that it never wholly recovered from the shock. This circumstance admonished him of the necessity of directing his attention to some pursuit in life imposing less physical labor than that of farming. He attended for some time the academy at Bradford, in Essex county, and subsequently became a trader and merchant, in which business he continued until within a few years past. An interesting genealogical register of this ancient family, compiled by the Reverend Abiel Abbot and the Reverend Ephraim Abbott, has been recently published by Munroe and Company, of Boston.

He always engaged more or less in town affairs, and has been director, trustee, and president of various business, moneyed, and literary institutions. He has never ceased to take particular interest in the cause of education. In 1835 he was elected a member of the State Legislature, and from that time until 1844 he continued a member of one or the other branch of that body. During three years of this time he represented the county of Essex in the Senate.

Though taking an active part in public matters generally, he took special interest, while a member of the Senate, in the public charities of the commonwealth. As chairman of the

Committee on Public and Charitable Institutions, he introduced and advocated some important improvements, and exerted all his influence toward the promotion of the great cause of Christian benevolence. He took a deep interest, also, in the cause of internal improvements—as to rail-roads especially. Throughout the whole of his legislative career he supported with zeal the earliest as well as the later projects which have been the means of intersecting the state in every direction with iron pathways, and giving a lasting impetus to her material prosperity. He was one of the first board of directors of one of the earliest roads, now become one of the principal routes in the country—the Boston and Maine Rail-road. He continued a member of the board for many years. This project, in fact, was started by himself and two or three other gentlemen, was pushed through at much private risk and labor, and after a great struggle.

In 1844 he was elected by the Whig party to represent, in the twenty-eighth Congress, the third Congressional district of Massachusetts. His immediate predecessor was Brigadier-general Caleb Cushing. The district is composed of parts of the counties of Essex and Middlesex, and contains within its limits the large and populous towns of Newburyport, Haverhill, and Andover, the city of Lowell, and the new manufacturing town of Lawrence, &c. He was re-elected a member of the twenty-ninth, and subsequently of the thirtieth Congress.

His appearance is that of a plain, unostentatious gentleman, in the autumn—not yet in the winter—of life. His manners are quiet and unobtrusive, and he is known more by his votes and his close attention to his public duties than by his speeches. We have, indeed, no recollection of having heard him make what is known as a *set* speech, but he offers his views occasionally, briefly and off-hand, on different topics as they present themselves. He manifests a deep interest in all measures of a national character, and more especially those of Whig policy. From early life he has been firmly and uniformly attached to the conservative school of politics. He is not a politician by profession or natural inclination, his habits leading him rather to seek retirement, and to avoid the confusion and strife of a public career. And it has been his constant aim to make his political conduct a matter of moral duty.

He was married in 1812 to Esther West, of Salem, Massachusetts, and has three sons and six daughters living. He has been a professor of religion for thirty years, and during two thirds of that time an officer in the Congregational Church.

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